

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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APR 12 2019

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

S.C. SUPREME COURT

The Honorable Mikell R. Scarborough, Master-In-Equity

Appellate Case No. 2018-000621
Lower Court Case No. 2105-CP-10-00939

Vivian B. Cromwell, Susan Prioleau Simmons, Ruth Nelson Gadsden, Robert Blake Brisbane and Mildred Chapman, Plaintiffs,

v.

Alberta Brisbane, Jeanie Geathers, LeRoy Brisbane, Francena B. Lawton, James B. Watson, Helen Davis, Rosalee Simmons, LaVerne Hamilton, Minerva Gadsden, Daniel Simmons, Jr., Mary Mosely, Horace Robinson, Jr., James Robinson, Henry Robinson, Avis D. Robinson a/k/a Avis Robertson, Dora Robinson, Jamie Williams, Desiree Williams, Mark Williams, Grace Ettison, Dannion Jordan, Ronald Williams, William Drayton, Keith Drayton, Jerome Hopkins, Joseph Hopkins, Jr., Tracy Hopkins, Alethia Gillian, Samuel Brown, Jeannette Brown, Arthur Brown, Antonio Brown, Dwayne Brown, Polly Brown, Keith Brown, Kenny Brown, Dexter Brown, Marie Brown, Starcia Stewart, James L. Brown, Jr., Glen Brown, Ernestine Brown, Veronica Brown, Calvin Brown, Jr., Harold Brown, Jr., Mary Anne Brisbane, Harvey Brisbane, Jr., Danny Bolds, Raymond Bolds, Michael Bolds, David Bolds, Carolyn Logan, Mary Jane Brown, Miriam Grant a/k/a Muriel Grant, Edward Grant, Jr., Gilbert Grante, Perry Grant, Junata O'Kieffe, Martha Lions, Margie Marine, Gurtha Forrest, Gloria Gibbs, Christopher Gathers, John D. Heyward, Allen Mitchell, Jr., Tiffany N. Daley, Michael S. Mitchell, Allen Mitchell, III, Frederica Coleman, Dorothy Boykin, Lavinia Brisbane, Clarence Brisbane, Jr., Betty Brisbane, Fred Brisbane, Evelyn Palmer, Mary Brisbane, Carl Brisbane, Carlotta Bickham, George Brisbane, Elias Brisbane, Maxine Brisbane, Evan Brisbane, Jesse Simmons, Jr., Odell White, Christina Hartfield, Sarah Mitchell, Arthur Albert Mitchell, Suzanne Mitchell, Olethia Gadsen, Wand Mitchell Harley, Arthur Mitchell, Jr., Benjamin Mitchell, Barbara Johnson, Diane B. Samuel, Kathy L. Nelson, Thelma E. Nelson, Carolyn Singleton, LaMotta Nelson, Rodney Nelson, Jerome Hopkins, Joseph Hopkins, Jr., Tracy Hopkins, Lottie Brown, Sylvia Johnson, Raymon Brown, Ronald Brown, Bernard Frasier, Barry Frasier, Kelvin Frasier, Marie Richardson, Delores Richardson, William Richardson, Robert Heyward, Katina Heyward, Valorie Heyward, Karvin Dotson, Youlonda Brisbane, Kermit Brisbane, Meka Brisbane, Jermaine Brisbane, Peggy Nelson, Joseph Elliott, Cynthia Elliott, Jackie Elliott, Net Elliott, Stephanie Elliott, Rodney Elliott, Nancy Brisbane, William Albert Brisbane, Jr., Bernard Brisbane, Gary Brisbane, Bonnie Brisbane, Jametta Brisbane Hamilton, Elizabeth Hamilton and Rosetta B. Brown, John Doe, adults and Richard Roe, infants, insane persons, incompetents and persons in the military service of The United States of America, being fictitious names designating as a class any unknown person or persons who may be an heir, distributee, devisee, legatee, widower, widow, assign, administrator, executor, creditor,

successor, personal representative, issue or alienee of James Brisbane, James Brisbane, Jr., James Brisbane, III, Jimmy Brisbane, Emily Brown, Harvey Brisbane, Rosa Robinson, Henrietta Brisbane Geathers, Laura Geathers, Geneva Grant, Viola Heyward, Henrietta Bolds, Estelle Nelson, Swackie Brisbane, Wilhemenia Young, Roxanna Pinckney, Daniel Simmons, Horace Robinson, Elizabeth Williams, Mabel Robinson, Julian Robinson, Patricia Williams, Albertha Graham, Joseph E. Hopkins, Emily Brown, Steve Brown, Steve Brown, Jr., Roger Brown, James LeRoy Brown, Harold Brown, Theodore Heyward, Theodore Heyward, Jr., Mary E. Mithcell, James Heyward, Clarence Brisbane, Swackie Brisbane, Jr., Susan Richardson, Janie Simmons a/k/a Janie Richardson Brisbane, Ruby Mitchell, Jesse Simmons, William Nelson, Ruth Hopkins, Thomas Brown, Wilhemenia Frasier, Helen Brown Allen, Albertha Lee Richardson, Louise Heyward, Herbert Lee Heyward, Loretta Brisbane, Gail Davis, William Nelson, Jr., Edward Grant, Sr., Eartha Lee Elliott, William Albert Brisbane, Betty Manigault, Steven Christopher Brown and Rosetta Brisbane all of whom are deceased, and any or all other persons or legal entities, known and unknown, claiming any right, title, interest or estate in or lien upon the parcel of real estate described in the Lis Pendens and Complaint herein filed, Defendants.

And Associated Developers, Inc. and Nordic Group, LLC, Intervenors,

Of which Associated Developers, Inc. is the Respondent,

And of which Nordic Group, LLC is the Appellant.

MOTION FOR TAXATION OF COSTS ON APPEAL

Pursuant to Rules 222 and 242(j)(2), SCACR, Respondent hereby moves this Court for an Order taxing fees and costs against Appellant, showing as follows:

1. This action was tried in the Charleston County Court of Common Pleas before the Honorable Mikell R. Scarborough, Master-In-Equity. Appellant appealed from the final judgment entered by the Master.
2. On appeal, the Court of Appeals affirmed the Master without oral argument in an unpublished opinion entered on February 7, 2018, pursuant to Rule 215, SCACR.
3. On August 3, 2018, this Court granted Appellant's petition for a writ of certiorari.
4. After final briefing and oral argument, this Court entered an order on April 3, 2019, dismissing the writ of certiorari as improvidently granted.
5. This Court also issued the Remittitur on April 3, 2019.

6. Through this Motion, Respondent seeks an award of recoverable fees and costs in the amount of \$5,319.45, as more particularly described in the sworn Itemized Statement of Costs Incurred attached hereto and incorporated herein by reference as allowed by Rules 222 and Rule 242(j)(2), SCACR.

Respectfully submitted,

THURMOND KIRCHNER & TIMBES, P.A.

By: 

Michael A. Timbes
SC Bar No. 69730
15 Middle Atlantic Wharf
Charleston, SC 29401
Phone: 843-937-8000
Fax: 843-937-4200
Email: michael@tktlawyers.com

Attorneys for Respondent Associated
Developers, Inc.

[See Itemized Statement of Costs Attached Hereto]

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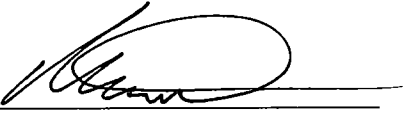
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ITEMIZED STATEMENT OF COSTS

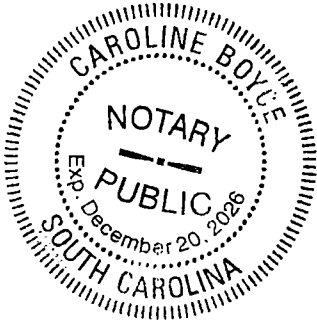
COSTS TAXABLE UNDER RULE 222, SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court Use Only)
Cost of Printing or Copying Final Brief	668	\$0.11 + covers and bindings	\$155.68	
Cost of Printing or Copying Final Reply Brief	n/a	n/a	n/a	
Cost of Printing or Copying Record on Appeal	n/a	n/a	n/a	
Filing Fee Paid Under Rule 203(d), SCACR	n/a	n/a	n/a	
Cost of Court Reporter's Transcript	n/a	n/a	n/a	
Attorney's Fee Provided By Rule 222(b), SCACR		Limited to \$2,500.00 by Rule	\$2,500.00	
Other (specify and explain):	n/a	n/a	n/a	
COSTS TAXABLE UNDER RULE 242(j), SCACR				
Cost of Printing or Copying Brief	675	\$0.11 + covers and bindings	\$163.77	
Cost of Printing or Copying Reply Brief	n/a	n/a	n/a	
Cost of Printing or Copying Appendix	n/a	n/a	n/a	
Filing fee paid under Rule 242(c), SCACR	n/a	n/a	n/a	
Attorney's fee provided by Rule 242(j)(2), SCACR		Limited to \$2,500.00 by Rule	\$2,500.00	
Other (specify and explain):				
		TOTAL	\$5,319.45	

I, Michael A. Timbes, do swear or affirm that the foregoing costs are correct and were necessarily incurred in this action. A copy of this Itemized Statement of Costs was served upon opposing counsel in the manner set forth in the Affidavit of Service attached hereto and filed simultaneously herewith.

By: 
Michael A. Timbes

SUBSCRIBED and SWORN to before this
9 day of April, 2019.

Caroline Boyce (SEAL)
Notary Public for South Carolina
My Commission expires: 12/20/26



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Of which Associated Developers, Inc. is the Respondent,

And of which Nordic Group, LLC is the Appellant.

PROOF OF SERVICE

I, Caroline Boyce, an employee of Thurmond Kirchner & Timbes, P.A., attorneys for the Respondent, do hereby certify that I have on this date served a true and correct copy of the Respondent's Motion for Taxation of Costs on Appeal via US Mail to the following counsel of record:

ATTORNEYS FOR THE APPELLANT:

Wallace K. Lightsey, Esquire
Wyche, P.A.
44 E. Camperdown Way
Greenville, SC 29601

-AND-

James A. Bruorton IV
Timothy J.W. Muller
Rosen Rosen & Hagood, LLC
PO Box 893
Charleston, SC 29402



Caroline Boyce
Paralegal to Michael A. Timbes

April 9, 2019
Charleston, South Carolina