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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

The Honorable Tanya A. Gee
Circuit Court Judge

RECEIVED
JUL 25 2019
SC Court of Appeals

Case No. 2014-CP-40-07917

Appellate Case No. 2015-001845

John M. McIntyre and Silver Oak Land
Management LLC, Appellants,
v.
Securities Commissioner of South Carolina, Respondent.

MOTION FOR FEES AND COSTS

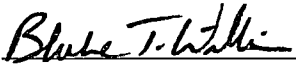
Appellants John M. McIntyre and Silver Oak Land Management LLC (“Appellants”) hereby file this Motion for Fees and Costs pursuant to Rule 222 of the South Carolina Appellate Court Rules. Appellants move this Court for an order taxing all recoverable costs and fees against Respondent Securities Commissioner of South Carolina (“Respondent”) as allowed by Rule 222(b), SCACR, in the above-captioned appeal.

This Court reversed the judgment of the circuit court in Opinion No. 5602 (S.C. Ct. App. filed Oct. 17, 2018 (Shearouse Adv. Sh. No. 41 at 17-26). Respondent filed a Petition for a Writ of Certiorari. However, on June 28, 2019, the Supreme Court issued an Order denying certiorari. Accordingly, Appellant moves to have costs taxed against Respondent herein. See Rule 222(a), SCACR (“When a judgment is reversed, costs shall be taxed against the respondent unless the court orders otherwise.”).

This Court remitted this matter to the circuit court on July 16, 2019, and, therefore, this motion is timely filed. A sworn, itemized statement of fees and costs incurred by Appellants is attached to this Motion as required by Rule 222(d), SCACR.

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

By:  _____

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Columbia, South Carolina

July 25, 2019

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PROOF OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for John M. McIntyre and Silver Oak Land Management LLC, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified at the following address(es):

Documents Served: **Motion for Fees and Costs**

Counsel Served: **U.S. Mail**
Tracy A. Meyers, Esquire
Marilyn E. Gartley, Esquire
South Carolina Attorney General's Office
Securities Division
1000 Assembly Street, Suite 501
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Kelli Diamond Martin
Administrative Assistant

Dated: July 25, 2019.



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July 25, 2019

Hand Delivered

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
P.O. Box 11629
Columbia SC 29211

RECEIVED

JUL 25 2019

SC Court of Appeals

RE: John M. McIntyre and Silver Oak Land Management LLC v.
Securities Commission of South Carolina
Appellate Case No. 2015-001845
Our File No. 48625.01500

Dear Ms. Kitchings:

Enclosed are the original and seven (7) copies of a *Motion for Fees and Costs* in the above-referenced matter. Also enclosed please find our firm's check in the amount of \$50, which represents the filing fee. We would appreciate it if you would file the original and return a clocked copy to us via our firm's courier.

By copy of this letter to all counsel, we are hereby serving them with a copy of this Motion for Fees and Costs.

Very truly yours,

Blake T. Williams

BTW:kdm
Enclosures

cc: Tracy A. Meyers, Esquire
Marilyn E. Gartley, Esquire
Robert V. Mathison, Jr., Esquire