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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Honorable Alison Renee Lee, Circuit Court Judge

Appellate Case No.: 2015-000613

Jeffrey Kennedy.....Respondent,

v.

Richland County School District Two, Eric Barnes and Chuck Earles.....Appellants.

MOTION FOR AWARD OF ATTORNEY'S FEES AND COSTS

Pursuant to Rules 222 and 242, SCACR, the Petitioner moves the Court to tax the costs of this appeal against the Appellants and in support of its motion shows the Court the following:

1. This Court issued an order dated January 25, 2017 reversing the trial court's decision on one of the grounds of appeal raised by Appellant. The other grounds for appeal were not ruled on.
2. The Supreme Court granted Respondent's petition for certiorari and filed an Order dated March 20, 2019 reversing and remanding the case to the Court of Appeals to decide the remaining issues not previously ruled on.
3. This Court filed an Order dated July 24, 2019 affirming the decision of the trial court on all remaining grounds for appeal.

4. After the Supreme Court reversed this court on the one ground for appeal, Respondent filed a motion with the Supreme Court for award of attorney's fee and costs pursuant to Rule 222 to which the Supreme Court denied without prejudice as being premature ruling, "This denial is without prejudice to any party's ability to seek costs under Rules 222 and 242(j) of the South Carolina Appellate Court Rules once there is a final resolution of the underlying appeal, including any further review by this Court." (see attached Supreme Court Order dated May 30, 2019 as Exhibit "A").

5. Pursuant to Rule 222(a), SCACR, costs shall be taxed against the appellant when the decision is affirmed.

6. Pursuant to Rule 242(j), SCAR, costs shall be taxed against the respondent if the decision is reversed.

7. As shown in the attached Petitioner's Itemized Statement of Costs, Petitioner has incurred allowed costs and attorney's fees in the amount of \$7,667.28 for both the appeal to the Court of Appeals and the Supreme Court.

WHEREFORE, Petitioner hereby requests that the Court grant its Motion for Attorney's fees and Costs in the amount of \$7,667.28 as shown in the attached sworn itemization of costs.

The Supreme Court of South Carolina

Jeffrey Kennedy, Petitioner,

v.

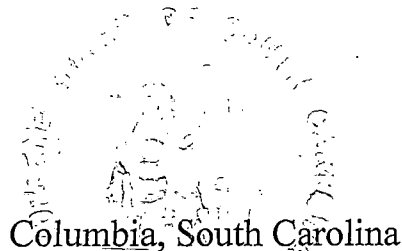
Richland County School District Two, Eric Barnes, and
Chuck Earles, Respondents.

Appellate Case No. 2017-001160

ORDER

Petitioner has filed a motion seeking costs. Respondent has filed a return opposing the motion.

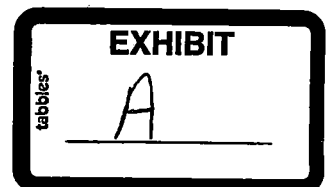
The motion for costs is denied. This denial is without prejudice to any party's ability to seek costs under Rules 222 and/or 242(j) of the South Carolina Appellate Court Rules once there is a final resolution of the underlying appeal, including any further review by this Court.


Columbia, South Carolina
May 30, 2019




FOR THE COURT C.J.

cc: Kathryn Long Mahoney, Esquire
Thomas Kennedy Barlow, Esquire
Thomas Jefferson Goodwyn, Jr., Esquire
Rachel Gottlieb Peavy, Esquire
Jenny Abbott Kitchings, Esquire



Respectfully submitted,



T. Jeff Goodwyn, Jr.
Goodwyn Law Firm, LLC
2519 Devine Street
Suite A
Columbia, SC 29205
(803) 251-4517
(803) 251-4527 facsimile
Attorney for Petitioner

Columbia, South Carolina
August 1, 2019

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APPEAL FROM RICHLAND COUNTY
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Honorable Alison Renee Lee, Circuit Court Judge

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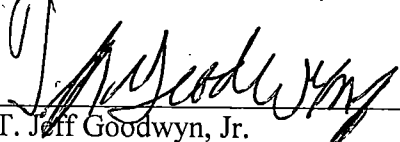
Richland County School District Two, Eric Barnes and Chuck Earles.....Appellants.

PROOF OF SERVICE

I certify that I have served the **Respondent's Motion for Award of Attorney's Fees and Costs** on Thomas K. Barlow, Esquire and Kathryn Long Mahoney, Esquire, Attorneys for the Appellants, at the address listed below by depositing a copy of same in the United States Mail, postage prepaid, on August 1, 2019.

Thomas K. Barlow
Kathryn Long Mahoney
Childs & Halligan, PA
P.O. Box 11367
Columbia, SC 29211-1367

GOODWYN LAW FIRM, LLC


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Columbia, South Carolina 29205
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JGoodwyn@Goodwynlaw.com
Attorney for Respondent

August 1, 2019

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C. David Beale, Jr.*

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*Also Licensed in Georgia

August 1, 2019

RECEIVED
AUG 01 2019
SC Court of Appeals

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

RE: ***Kennedy v. Richland County School District Two, Eric Barnes and Chuck Earles***
Appellate Case No.: 2015-000613
Our File No.: 3000-0106

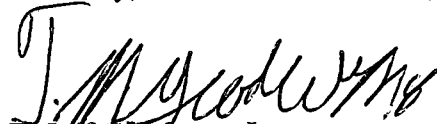
Dear Sir/Madame:

Enclosed please find an original and seven (7) copies each of **Petitioners' Motion for Award of Attorney's Fees and Costs and Petitioner's Itemized Statement of Costs** along with a Proof of Service for filing in the above matter. Also, enclosed is a check in the amount of \$50.00 for the filing fee. Please file the Original with the Court and return a clocked in copy to me.

By copy of this letter, I am serving a copy of same upon counsel for the Respondents as listed below.

Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,


T. Jeff Goodwyn, Jr.

TJG/msb
Enclosures

cc: Thomas K. Barlow, Esquire (w/encl.)
Kathryn Long Mahoney, Esquire (w/encl.)
Jeffrey Kennedy (w/o encl.)