

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Richland County  
Court of Common Pleas  
L. Casey Manning, Circuit Court Judge

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2018-CP-40-5641

Appellate Case No. 2019-001224

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Ronald I. Paul ..... Appellant,

v.

South Carolina Department of Transportation; Paul D. de Holczer, individually and as a partner of the law firm of Moses, Koon & Brackett, PC; Michael H. Quinn, individually and as senior lawyer of Quinn Law Firm, LLC; J. Charles Ormand, Jr., individually and as partner of the law Firm of Holler, Dennis, Corbett, Ormand, Plant & Garner; Oscar K. Rucker, in his individual capacity as Director Rights of Way South Carolina Department of Transportation; Macie M. Gresham, in her individual capacity as Eastern Region Right of Way Program Manager South Carolina Department of Transportation; Natalie J. Moore, in her individual capacity as assistant chief counsel South Carolina Department of Transportation; .....Respondents.

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Moses & Brackett, PC's f/k/a Moses, Koon & Brackett, PC,  
Reply to Appellant's Return

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Rule 222(a) SCACR provides that costs may be awarded when an appeal is dismissed. The rule makes no distinction regarding the reason for the dismissal, substantive vs procedural. In this case, Appellant, a pro se serial litigant who apparently did not know what he was doing, did not

do what the rules and the law require to preserve the right to appeal. But the Appellant's error did not lead to a self-executing dismissal, requiring the undersigned to follow the rules and the law by investing time and effort to affirmatively seek a dismissal by the court. The time and effort were successful.

Appellant argues that the requested costs are not allowed by Rule 222(b) SCACR. If costs are allowed for a dismissal by the express language of Rule 222(a), costs reasonably associated with seeking and obtaining the dismissal are implicitly permitted by the rule. The motion filing fee is the equivalent of the appeal filing fee. The costs of printing and copying the Motion for Dismissal and the Reply to Appellant's Return are equivalent to the costs of producing a final brief and a final reply brief. The additional costs of postage for serving the motion and subsequent filings are allowable in the discretion of the court.

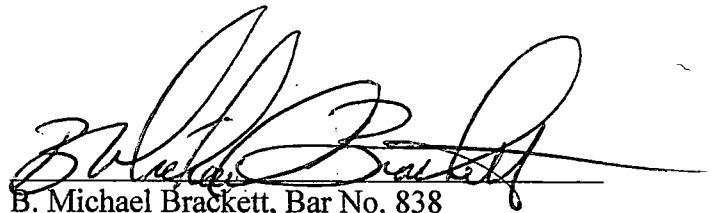
Appellant argues that attorney fees should not be taxed against him because the undersigned represented "his" law firm and did not actually incur any attorney fees. Actually, the undersigned is "Of Counsel" to the firm of Moses & Brackett, PC. The undersigned is not an owner of the firm, and it is not "my" law firm. The time expended to respond to Appellant's frivolous appeal is time that could have been spent on other fee-generating matters. If Appellant decides to pursue an ill-advised appeal and put an opposing party and attorney to the time and effort of responding to said appeal, Appellant should not be heard to complain about the attorney fees of the opposing party/attorney, especially when the services of the opposing attorney were successful in obtaining a dismissal of the appeal.

The requested costs should be taxed against the Appellant, notwithstanding that he is pro se, because his error on the appeal is the same as his error in the circuit court, namely that he did not include Moses & Brackett, PC in his circuit court action, and he did not properly include Moses &

Brackett, PC in his appeal. That Appellant is pro se does not make the undersigned's time and experience less necessary or less valuable. The services provided by the undersigned to Moses & Brackett, PC were reasonable and effective as evidenced by the circuit court order and the order of this Court dismissing the appeal as to Moses & Brackett, PC.

Accordingly, the motion for costs should be granted and approved costs taxed against Appellant.

October 3, 2019

A handwritten signature in black ink, appearing to read 'B. Michael Brackett', written over a horizontal line.

B. Michael Brackett, Bar No. 838

Moses & Brackett, PC

133 Brookspring Road

Columbia, SC 29223

803.422.1158

mbrackettsc@gmail.com

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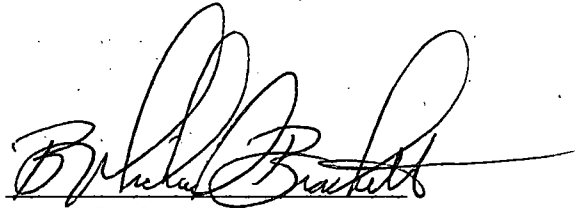
Certificate of Service

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The undersigned, as attorney for Moses & Brackett, PC, formerly known as Moses, Koon & Brackett, PC, hereby certifies that I have served the Appellant by mail with a copy of the foregoing Reply, postage prepaid and return address clearly indicated on said envelope, on this 3d day of October, 2019, at the following address:

Ronald I. Paul  
P.O. Box 4353  
Columbia, SC 29240

10-3-19

A handwritten signature in black ink, appearing to read "B. Michael Brackett". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

B. Michael Brackett, Bar No. 838  
133 Brookspring Road  
Columbia, SC 29223  
Attorney for Moses & Brackett, PC

Moses & Brackett, PC  
133 Brookspring Road  
Columbia, SC 29223

October 3, 2019

The Honorable Jenny Abbot Kitchings  
Clerk of Court, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

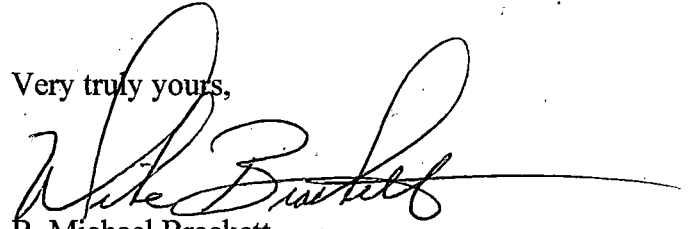
Re: Paul v. SCDOT, et al.  
Appellate Case No. 2019-001224

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Dear Ms. Kitchings:

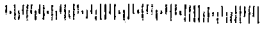
Enclosed for filing please find the original and six copies of Respondent Moses & Brackett, PC's (formerly known as Moses, Koon & Brackett, PC) Reply to Appellant's Return to Respondent Moses & Brackett, PC's Motion for Costs. By copy of this letter, a copy of the enclosed Reply has been served on Appellant. A certificate of service is enclosed.

Very truly yours,



B. Michael Brackett

cc. Ronald I. Paul



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Mike Brackett, Esq.  
133 Brookspring Rd.  
Columbia, SC 29223

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Hon. Jenny Abbot Kitchings  
Clerk of Court,  
South Carolina Court of Appeals  
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