

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHEROKEE COUNTY
Court of Common Pleas
Grace Gilchrist Knie, Circuit Court Judge

Circuit Court Case No. 2018-CP-11-00838
Probate Court Case No. 2014-ES-11-00192
Appellate Case No. 2019-001325

Charles E. Deal, Jr., _____, Appellant

v.

Angela Godfrey, _____ Respondent.

REPLY TO RETURN

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MAR 19 2020

SC Court of Appeals

Respondent, Angela Godfrey, by and through her undersigned attorney, makes this Reply to Appellant's Return to Respondent's Motion for Costs.

The Respondent was the prevailing party in this matter and seeks costs on appeal pursuant to Rule 222, SCACR.

By way of letter dated January 13, 2020, Respondent submitted to this Honorable Court a request for costs. The Respondent seeks the attorney fees allowed by the S.C. Supreme Court's Order of January 17, 2018 in the amount of \$2,500.00. Respondent

also seeks the costs of the Court Reporter's Transcript in the amount of \$17.00 for a total of \$2,517.00. The Respondent by said cover letter submitted an Itemized Statement of Costs (Form 17). Respondent also submitted a certificate of service on opposing counsel and the required filing fee of \$50.00. The Respondent submitted the original and seven (7) copies of these documents. Respondent, through inadvertence and mistake, failed to include a formal motion for costs.

The Respondent in his Return challenges Appellant's request for costs, not on substantive grounds, but on the grounds that Respondent's request did not conform to the technicalities of Rules 222, 240 and 267, SCACR. However, Respondent would assert that the request submitted and received by the Court substantially complies with the applicable rules. The request contains a caption with the names of the parties and the appellate case number. The request references Rule 222, SCACR. The request states that grounds for the request, e.g., "Costs for Court Report's Transcript" and "Attorney Fees" provided by Rule 222(b) SCACR. The request contains an itemized statement. The request was signed by counsel. The original and six (6) copies were submitted. A certificate of service was submitted. The filing fee of \$50.00 was submitted.


This court on numerous occasions as rejected arguments which place form over substance. Some examples are as follows. *Cheap-O's Truck Stop, Inc. v. Cloyd*, 350 SC 596, 567 S.E. 2d 514 (S.C. App. 2002) where this court construed the potency of a Form 4 order, rejecting Appellant's argument as form over substance. *Atkins v. Wilson*, 417SC3, 788 S.E. 2d 228 (S.C. App. 2016) where this Court found Appellants had properly perfected their appeal, rejecting a form over substance argument. *Chapman v. S.C. Dept. of Social Services*, 420 SC 184, 801 S.E. 2d 401 (S.C. App. 2017) where this Court

deemed a letter from Appellant's counsel to be sufficient to initiate an employee grievance procedure, rejecting a form over substance decision of the Administrative Law Court.

In the present case, the Respondent's Request for Costs contained all of necessary elements of a motion as required by Rule 222, SCACR. Further, Appellant has not shown that he has been prejudiced by the manner in which the Request for Costs was made.

CONCLUSION

This Honorable Court should grant Respondent's Request for Costs in the amount of \$2,517.00.



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Gaffney, South Carolina
March 17, 2020

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHEROKEE)

IN THE APPELLATE COURT
APPELLATE CASE NO.: 2019-001325

Charles E. Deal, Jr.,)
)
Appellant,)

vs.)

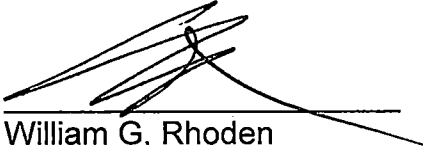
Angela Godfrey,)
)
Respondent.)

**CERTIFICATE OF SERVICE
BY MAIL**

This is to certify that a copy of the **Reply to Return** in the above referenced case was mailed to:

**James G. Carpenter
The Carpenter Law Firm, PC
819 E. North St.
Greenville, SC 29601**

by depositing same in the United States Mail, postage prepaid, on the 17th day of March, 2020.


William G. Rhoden

Gaffney, South Carolina

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SC Court of Appeals

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WILLIAM E. WINTER, JR.
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March 17, 2020

The Honorable Jenny Abbott Kitchings
Clerk of Court, S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: Reply to Return
Charles E. Deal, Jr. vs. Angela Godfrey
Appellate Case No. 2019-001325

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Dear Ms. Kitchens:

Enclosed please find the following:

1. Original and seven (7) copies of Reply; and
2. Original and one (1) copy of Certificate of Service on Opposing Counsel.

I would be greatly appreciative if you would return a filed copy of the Reply and Certificate of Service in the enclosed self addressed, stamped envelope provided.

With best regards, I am,

Sincerely,

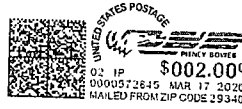


William G. Rhoden

WGR/lmc

cc: file

James G. Carpenter (w/ enclosures)
enclosures



First Class Mail

LAW OFFICE OF
WINTER & RHODEN, LLC

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