

THE STATE OF SOUTH CAROLINA
In the Supreme Court

RECEIVED

Sep 28 2020

APPEAL FROM ADMINISTRATIVE LAW COURT S.C. SUPREME COURT

The Honorable S. Phillip Lenski, Administrative Law Judge

Case No. 2019-000693

Bradley Sanders.....Petitioner,

v.

South Carolina Department of Motor Vehicles and
Columbia Police Department.....Respondent,

Of Whom the South Carolina Department of Motor Vehicles is the Respondent.

**RESPONDENT SOUTH CAROLINA DEPARTMENT
OF MOTOR VEHICLES'S MOTION FOR COSTS**

FRANK L. VALENTA, JR., SC Bar # 5682

General Counsel

PHILIP S. PORTER, SC Bar # 4526

Deputy General Counsel

BRANDY A. DUNCAN, SC Bar # 72052

Assistant General Counsel

SOUTH CAROLINA DEPARTMENT OF
MOTOR VEHICLES

Post Office Box 1498

Blythewood, South Carolina 29016-0020

Telephone: 803.896.9900

Attorneys for Respondent

NOW COMES the Respondent, pursuant to Rules 222 and 242, SCACR, and moves this Honorable Court for an order awarding attorney's fees and costs in this case, in support of this motion Respondent shows unto this Court the following:

- 1) The Petitioner and Respondent were served with the Remittitur from the Supreme Court of South Carolina on September 21, 2020.
- 2) The Respondent and its attorneys incurred costs associated with this action. Respondent's Affidavit of Costs is attached as Exhibit A.
- 3) Respondent and its attorneys defended this case in the Administrative Law Court and that court affirmed the findings and rulings of the Office of Motor Vehicle Hearings.
- 4) Respondent and its attorneys defended this case in the South Carolina Court of Appeals resulting in a published opinion affirming the decisions of the Administrative Law Court and Office of Motor Vehicle Hearings. Respondent and its attorneys further defended this case with regard to a motion for rehearing that was filed before the South Carolina Court of Appeals.
- 5) Respondent and its attorneys are entitled to an award of attorney's fees and costs as set forth in Exhibit A associated with the action filed before the South Carolina Court of Appeals because Respondent prevailed in that case.
- 6) Respondent and its attorneys defending this case in the South Carolina Supreme Court resulting in a published opinion affirming the decisions of the South Carolina Court of Appeals, Administrative Law Court, and Office of Motor Vehicle Hearings. Further, in addition to normal briefing, Respondent was requested to provide and did provide a return to the Petition for Certiorari in this case.

- 7) Respondent and its attorneys are entitled to an award of attorney's fees and costs as set forth in Exhibit A associated with the action filed before the South Carolina Supreme Court because Respondent prevailed in that case.

CONCLUSION

Based upon the above, Respondent requests an Order of this Court requiring Petitioner to pay Respondent attorney's fees and costs as set forth in Rules 222 and 242, SCACR and as described more fully in Exhibit A.

Respectfully submitted,

s/Brandy A. Duncan

BRANDY A. DUNCAN, SC Bar # 72052

Assistant General Counsel

FRANK L. VALENTA, JR., SC Bar # 5682

General Counsel

PHILIP S. PORTER, SC Bar # 4526

Deputy General Counsel

South Carolina Department of Motor Vehicles

P. O. Box 1498

Blythewood, South Carolina 29016

(803) 896-9900

Attorneys for Respondents

September 28, 2020
Blythewood, South Carolina