

The State of South Carolina  
In the Court of Appeals

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OCT 05 2020

SC Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
The Honorable Robert E. Hood

Court of Appeals Case 2017-001574  
Trial Court Case 2015-CP-40-4319

JK Trading, Inc. ....Appellant

v.

Karl & Sasha, Inc. ....Respondent

RESPONSE TO MOTION FOR COSTS PURSUANT TO RULE 222, SCACR

Karl & Sasha, Inc. has filed a motion without a supporting affidavit pursuant to Rule 222 of the SCACR stating "Appellant hereby moves this Honorable Court to assess the costs on appeal against Appellant." The Appellant (JK Trading Inc.) assumes this is a motion seeking costs for Respondent, Karl & Sasha, Inc. Rule 222(b) provides that a party may recover costs to the extent the costs are actually incurred. Rule 222 (b) includes attorney's fees as a cost. If these costs are sought, Rule 222(d) requires the motion to be accompanied by a sworn, itemized statement of costs incurred. The Motion was not filed with an affidavit and there is no evidence of attorney's fees incurred by Karl & Sasha for this appeal. The

failure to file a statement of costs waives the right to attorney's fees in the Court of Appeals. See Muller v. Myrtle Beach Golf & Yacht Club, 133 S.C. 412 (1993).

Given the defects with the Motion and lack of evidence showing attorney's fees were actually incurred by Karl & Sasha for the Appeal, the Motion for Costs should be denied.

This 2 day of October, 2020.

s/Trace Dillon

Trace Dillon

SC Bar # 16857

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Proof of Service

This is to certify that I served the foregoing Response to Motion for Costs

vis U.S. Mail with sufficient postage affixed, addressed as follows:

Tucker S. Player  
Player Law Firm, LLC  
1415 Broad River Road  
Columbia SC 29210

This 2 day of October, 2020.

s/Trace Dillon

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SC Court of Appeals

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COLUMBIA SC 29201



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