

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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APPEAL FROM ABBEVILLE COUNTY
Court of Common Pleas
Eugene C. Griffith, Jr., Circuit Court Judge

S.C. SUPREME COURT

Appellate Case No. 2018-001926

William Crenshaw,Respondent,

v.

Erskine College and David Norman, Petitioners.

RETURN TO PETITIONERS' MOTION FOR COSTS

On September 24, 2020, the petitioners moved for costs pursuant to Rules 240 and 242, SCACR. Dr. William Crenshaw responds as follows:

1) As a threshold matter, petitioners' motion is premature. Rule 242(j)(4) provides a motion for costs "shall" be filed and served "within fifteen (15) days of the issuance of the remittitur." This Court has not issued the remittitur. Contemporaneously with filing this return, Dr. Crenshaw filed his petition for rehearing.

2) Pursuant to Rule 242(J), this Court has discretion whether or not award costs. In this case, twelve jurors agreed with Dr. Crenshaw that Erskine breached its employment contract with him. After the trial judge granted a judgement notwithstanding the verdict, three judges on the Court of Appeals agreed with Dr. Crenshaw that Erskine breached its employment contract with him. This Court reversed the Court of Appeals by

the narrowest of margins, but a three-two decision. This case is not the appropriate case to award costs.

Dr. Crenshaw, therefore, respectfully requests this Court to deny the petitioners' motion for costs.

IT IS SO MOVED.

Respectfully Submitted,

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October 9, 2020.