

In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

The Honorable H.W. Funderburk, Jr.

Appellate Case No. 2016-002136

RECEIVED

Oct 21 2020

SC Court of Appeals

GENE B. SCHWIERSRespondent,

vs

SOUTH CAROLINA DEPARTMENT OF HEALTH
AND ENVIRONMENTAL CONTROL and STEWART W. HEATH.....Respondents below,

OF WHOM SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
IS THE RESPONDENT,

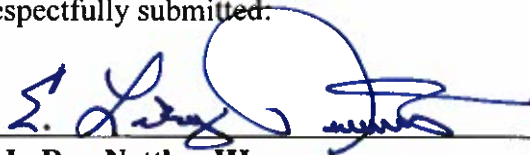
AND

STEWART W. HEATH IS THE APPELLANT.

**MOTION FOR COSTS
PURSUANT TO RULE 222(b)**

The undersigned hereby moves that the allowable costs set forth in the itemized Statement of Costs submitted herewith be taxed against the Respondent Gene B. Schwiers.

Respectfully submitted:



**E. LeRoy Nettles, III
NETTLES, TURBEVILLE & REDDECK
Post Office Box 699/261 Kelley Street
Lake City, South Carolina 29560
Telephone: 843-374-8511
Facsimile: 843-374-3211
Attorney for Appellant Stewart W. Heath**

October 21, 2020
Lake City, SC

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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IS THE RESPONDENT,

AND

STEWART W. HEATH IS THE APPELLANT.

MEMORANDUM IN SUPPORT OF MOTION
PURSUANT TO RULE 222(b)

Pursuant to the Authority set forth in Rule 222(b) *South Carolina Rules of Appellate Procedure*, the Appellant Stewart W. Heath requests that the allowable costs incurred by him be taxed against the Respondent Gene B. Schwiers.

Respectfully submitted:



E. LeRoy Nettles, III
NETTLES, TURBEVILLE & REDDECK
Post Office Box 699/261 Kelley Street
Lake City, South Carolina 29560
Telephone: 843-374-8511
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Attorney for Appellant Stewart W. Heath

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OF WHOM SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL
CONTROL IS THE RESPONDENT,

AND

STEWART W. HEATH IS THE APPELLANT.

**ITEMIZED STATEMENT OF COSTS
PURSUANT TO RULE 222(b)**

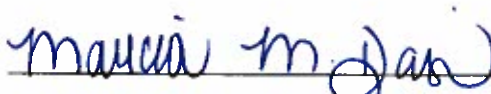
The Appellate Court is requested to tax the following costs against Respondent Gene B. Schwiers.

COSTS TAXABLE UNDER RULE 222, SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court Use Only)
Cost of Printing or Copying Final Brief; Final Reply Brief; and Record on Appeal	14 (final brief) 8 (final reply brief) 142 (record on appeal)	*billed together; see invoice attached as Exhibit A	\$402.69	
Filing Fee Paid Under Rule 203(d), SCACR			\$100.00	
Cost of Court Reporter's Transcript	249	**see invoice attached as exhibit B	\$1,015.90	
Attorney's Fee Provided By Rule 222(b), SCACR			\$2,500.00	
Other (specify and explain):				
		TOTAL	\$4,018.59	

I, E. LeRoy Nettles, III, do swear or affirm that the foregoing costs are correct and were necessarily incurred in this action. A copy of this statement was (mailed to/served upon) opposing counsel.


 Attorney for Appellant Stewart W. Heath

Subscribed and sworn to before me this 21 day of October, 2020.


 Notary Public for South Carolina
 My Commission Expires: 3-4-21 (Seal)

4/12/2017

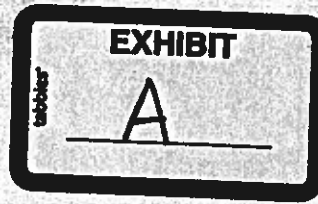


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INVOICE

1

NETTLES, TURBEVILLE & REDDECK
261 KELLEY STREET
PO BOX
LAKE CITY SC 29560
LEE NETTLES

DATE

3/13/2017

PO NUMBER

QUANTITY	DESCRIPTION	AMOUNT
17	GENE SCHWIERS V DHEC ROA	245.46
17	GENE SCHWIERS V DHEC_FINAL BRIEF	67.83
17	GENE SCHWIERS V DHEC_FINAL REPLY BRIEF	59.57
Account Type: COD		
File Originals Wanted: GENE SCHWIERS V DHEC		
		SUB 372.86
		TAX 29.83
		SHIPPING
		TOTAL 402.69

0.00

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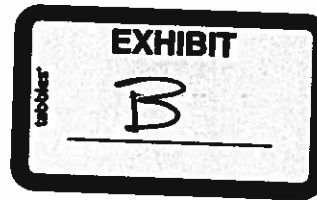
DATE

3/13/17

402.69



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 (803) 252-3445



11/8/2016

Tax ID: 57-1016805

E. Leroy Nettles, III, Esquire
 Nettles Turbeville and Reddick
 Post Office Box 699
 Lake City, South Carolina 29560

INVOICE NO. 16-2689

Attorney for Respondant

RE: Gene B. Schwiers vs. SC DHEC & Stewart W. Heath	0.00
Docket No. 15-ALJ-07-0580-CC	
Administrative Hearing before the H. W. Funderburk, Jr. on 7.26.16	0.00
Transcript of Hearing	966.00
Exhibits (48 pages)	14.40
Color Exhibits (17 pages)	25.50
Postage	10.00
Condensed Transcript/Key Word Index	0.00

We accept:



Total	\$1,015.90
Payments/Credits	\$0.00
Balance Due	\$1,015.90

THANK YOU!

(Please return copy with remittance)

/cd

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OF WHOM SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL IS THE RESPONDENT,

AND

STEWART W. HEATH IS THE APPELLANT.

PROOF OF SERVICE

The undersigned attorney for Appellant Stewart W. Heath hereby certify that they have served a true copy of the MOTION FOR COSTS PURSUANT TO RULE 222(b), MEMORANDUM IN SUPPORT OF MOTION PURSUANT TO RULE 222(b), AND ITEMIZED STATEMENT OF COSTS PURSUANT TO RULE 222(b) upon all counsel of record by depositing the same in the United States Mail, postage prepaid this 21 day of October, 2020, addressed to as follows:

Bradley D. Churdar, Esq.
Attorney for Respondent
South Carolina Department of Health & Environmental Control
1362 McMillan Avenue, Suite 400
Charleston, SC 29405

Burl F. Williams, Esq.
Attorney for Respondent
Gene B. Schwiars
201 River Place, Suite 500
Greenville, SC 29601

[Handwritten signature of E. LeRoy Nettles, III]

E. LeRoy Nettles, III
NETTLES, TURBEVILLE & REDDECK
Post Office Box 699/261 Kelley Street
Lake City, South Carolina 29560
Telephone: 843-374-8511
Facsimile: 843-374-3211
Attorney for Appellant Stewart W. Heath

LAW OFFICES

NETTLES, TURBEVILLE & REDDECK

P. O. BOX 699
261 KELLEY STREET
LAKE CITY, SOUTH CAROLINA 29560

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E. LEROY NETTLES
ELBERT K. TURBEVILLE
LARRY G. REDDECK
MARIAN D. NETTLES
E. LEROY NETTLES, III LEE@NTRlaw.com

843-374-8511
843-493-2221
FAX: 843-374-3211

October 21, 2020

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

RE: *Gene B. Schwiers, Respondent vs. South Carolina Department of Health and Environmental Control and Stewart W. Heath, Respondents below, Of Whom South Carolina Department of Health and Environmental Control is the Respondent, and Stewart W. Heath is the Appellant.*
Appellate Case No. 2016-002136

Dear Ms. Kitchings:

Enclosed herein, please find the following documents relative to the above-referenced case:

1. Original and six (6) copies of the Motion for Costs Pursuant to Rule 222(b), Memorandum in Support of Motion Pursuant to Rule 222(b), and Itemized Statement of Costs Pursuant to Rule 222(b);
2. Original and one (1) copy of my Proof of Service;
3. \$50.00 filing fee;

I have enclosed an additional copy of each document, which I would appreciate your clocking and returning to me in the self-addressed, stamped envelope provided for your use. Under cover of a separate copy of this letter, I am serving opposing counsel for the Respondent Gene B. Schwiers and Counsel for South Carolina Department of Health and Environmental Control as reflected by my Proof of Service.

With my best regards, I am

Yours very truly,

NETTLES, TURBEVILLE & REDDECK


E. LeRoy Nettles, III

ELN:smg

Enclosures

cc: Bradley D. Churdar, Esquire
Burl F. Williams, Esquire
Stewart W. Heath