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**FEB 19 2019**

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

S.C. SUPREME COURT

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

The Honorable Diane Schafer Goodstein, Circuit Court Judge

Supreme Court Case No.: 2017-001404

Unpublished Opinion No. 2017-UP-067 (S.C. Ct. App. filed Feb.1, 2017)

Lower Court Case No.: 2013-CP-18-00735

William McFarland and Jennifer McFarland.....Petitioners,

v.

Mansour Rashtchian and Amy Rashtchian.....Respondents

RESPONDENTS' MOTION FOR COSTS PURSUANT TO RULES 222 AND 242



David C. Cleveland  
Michael L. Leech  
Clawson and Staubes, LLC  
126 Seven Farms Drive, Suite 200  
Charleston, SC 29492  
*Attorneys for Respondents*

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA SUPREME COURT

COME NOW Respondents Mansour Rashtchian and Amy Rashtchian, by and through their undersigned counsel, to respectfully request an Order from this Court taxing the costs associated with responding to the appeal against the Appellants pursuant to Rules 222 and 242 of the South Carolina Appellate Court Rules.

The instant lawsuit was filed on April 24, 2013, tried to verdict in December 2014, and the verdict for the Respondents was affirmed by the Court of Appeals on or about February 1, 2017. This Court granted Certiorari and filed the Remittitur on February 6, 2019.

Rule 242(j)(1), SCACR provides, “[u]nless otherwise ordered by the Supreme Court or agreed to by the parties, costs shall be assessed against the appellant if the decision of the Supreme Court has the effect of affirming the judgment of the lower court or tribunal which was reviewed by the Court of Appeals.” Under the rule, “[t]he party entitled to recover costs may recover all those costs specified in Rule 222(b), to include the attorney's fee provided by that rule.”

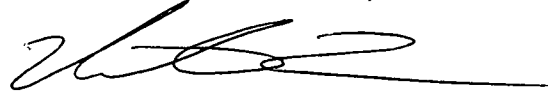
Rule 222(a), SCACR provides, “[u]nless otherwise ordered by the appellate court or agreed by the parties, costs shall be taxed against the appellant when the appeal is dismissed or judgment on appeal is affirmed.” Under the rule, “[t]he party entitled to recover costs under this rule may, to the extent the party actually incurred these costs, recover the following: ... (5) the cost of printing the party's final brief(s) under Rule 210 ... [and] an attorney's fee in an amount which shall be set by order of the Supreme Court.” Rule 222(b), SCACR.

“Additionally, the party may, to the extent the party actually incurred these costs, recover: ... (3) the cost of printing the party's brief(s) under Rule 242(i). ... [and] an

*additional* attorney's fee in an amount which shall be set by order of the Supreme Court.”  
Rule 242(j), SCACR (emphasis added).

Respondents hereby request an Order granting the cost of printing the Final Brief of Respondents for the Court of Appeals, \$53.17<sup>1</sup>; reimbursement of a portion of the Attorneys Fees, \$1,000.00<sup>2</sup> at the Court of Appeals; the cost of printing the Final Brief of Respondents for the Supreme Court, \$114.80<sup>3</sup>; reimbursement of a portion of the Attorneys Fees, \$1,000.00<sup>4</sup> at the Supreme Court; for a total of \$2,167.97 and any additional amounts this court deems necessary and proper in light of the circumstances.

CLAWSON and STAUBES, LLC



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Michael L. Leech  
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[dcleveland@clawsonandstaubes.com](mailto:dcleveland@clawsonandstaubes.com)  
Attorneys for Respondents

Charleston, South Carolina  
February 13, 2019

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<sup>1</sup> See Ex. 1, Invoice from Prolegal Discovery Solutions.

<sup>2</sup> See Ex. 2, Affidavit of Attorneys' Fees.

<sup>3</sup> See Ex. 3, Invoice from Prolegal Discovery Solutions.

<sup>4</sup> See Ex. 2, Affidavit of Attorneys' Fees.

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Charleston

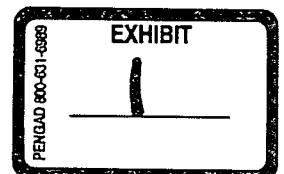
**INVOICE**

Date	Invoice #
2/15/2016	CHS142649

<b>Bill To</b>		Job #: CHS14243			
Sasha Smith CLAWSON & STAUBES LLC 126 Seven Farms Drive Suite 200 Charleston, SC 29492-7595		Client Ref. #	Terms	Rep	Ordered By
		Rashtchian	Net 30	CDavis	Sasha Smith
Description		Qty	Rate	Amount	
Binding:Card Covers		17	\$1.000	\$17.00T	
Binding:Spiral Bind 1 in.		16	\$2.000	\$32.00T	
<b>Thank You for Your Business!</b>					
Unless written notice to the contrary is given to ProLegal Discovery Solutions, Inc. within 7 days of the receipt of invoice, all services delivered to customer are deemed to have been performed in a satisfactory manner and are accepted by customer.					
Send only your payment to the payment address indicated on this invoice. All payments are due within your terms upon receipt of this invoice. All late payments may be subject to finance charges or other late charge fees assessable against you, provided, however, that such amount shall automatically reduced to the maximum amount permitted by law if such amount is deemed to be usurious or unlawful. If payments are not received within your terms after invoiced, financing charges and/or late fees may begin to accrue at our option. Please be advised that the person or entity indicated in the Bill To block of this invoice (i.e. you) is/are responsible for any and all payments herein referenced, irrespective of whether such amounts are ultimately posted to the account of your client or other third party.		<b>Subtotal:</b>		\$49.00	
		<b>Tax(0.085):</b>		\$4.17	
		<b>Total:</b>		\$53.17	
<b>Customer Signature:</b> <i>S. Rashtchian</i>		<b>Date:</b>			

Tax ID Number:  
57-1051795

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v.

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AFFIDAVIT OF COSTS

---

David C. Cleveland  
Michael L. Leech  
Clawson and Staubes, LLC  
126 Seven Farms Drive, Suite 200  
Charleston, SC 29492  
*Attorneys for Respondents*



The Court of Appeals is requested to tax the following costs against:

William McFarland and Jennifer McFarland

COSTS TAXABLE UNDER RULE 222, SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court Use Only)
Cost of Printing or Copying Final Brief			\$53.17	
Attorney's Fee Provided By Rule 222(b), SCACR			\$1,000.00 <sup>1</sup>	
		TOTAL	\$1,053.17	

ADDITIONAL COSTS TAXABLE UNDER RULE 242, SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court Use Only)
Cost of Printing or Copying Final Brief			\$114.80	
Attorney's Fee Provided By Rule 242(j), SCACR			\$1,000.00 <sup>2</sup>	
		TOTAL	\$1,114.80	

I, Michael L. Leech, 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.

CLAWSON and STAUBES, LLC



Michael L. Leech

David C. Cleveland

126 Seven Farms Drive, Suite 200

Charleston, SC 29492-8144

Phone: (843) 577-2026

Fax: (843) 722-2867

Email: [mleech@clawsonandstaubes.com](mailto:mleech@clawsonandstaubes.com)

[dcleveland@clawsonandstaubes.com](mailto:dcleveland@clawsonandstaubes.com)

Attorneys for Respondents

<sup>1</sup> The undersigned affirms attorneys fees were expended well in excess of the \$1,000 set by order of the Supreme Court dated July 24, 1997 and referenced by Rule 222(b), SCACR.

<sup>2</sup> The undersigned affirms attorneys fees were expended well in excess of the \$1,000 set by order of the Supreme Court dated July 24, 1997 and referenced by Rule 242(j), SCACR.

Subscribed and sworn to before me this 13<sup>th</sup> day of February, 2019.

Jessie D. Walker

Notary Public for South Carolina

My Commission Expires: 8/26/2024

(Seal)

20130547.000 OF McFarland v. Rashtchian  
DCC 210



Charleston

**INVOICE**

Date	Invoice #
4/2/2018	CHS149732

Job #: CHS21000

<b>Bill To</b>					
Sasha Smith CLAWSON & STAUBES LLC 126 Seven Farms Drive, Suite 200 Charleston, SC 29492-7595		<b>Client Ref. #</b>	<b>Terms</b>	<b>Rep</b>	<b>Ordered By</b>
		McFarland v. Rashtchian	Net 30	CDavis	CLAWSON & STAUBES LLC Sasha Smith

Description	Qty	Rate	Amount
Copying:Legal Brief Copies	512	\$0.110	\$56.32T
Binding:Card Covers	17	\$1.000	\$17.00T
Binding:Spiral Bind 1 in.	16	\$2.000	\$32.00T

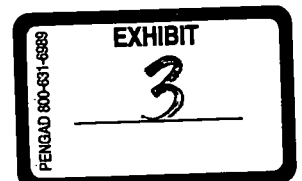
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	<b>Tax(0.09):</b>	\$9.48
	<b>Total:</b>	\$114.80
<b>Customer Signature:</b>	<b>Date:</b>	

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PROOF OF SERVICE

The undersigned hereby certifies that on the date indicated below he served all counsel of record with a copy of the Respondents' Motion for costs Pursuant to Rules 222 and 242 by mailing a copy of the same by United States Mail with first class postage prepaid to the following:

Russell G. Hines  
Young Clement Rivers LLP  
PO Box 993  
Charleston, SC 29402



Michael L. Leech  
Clawson and Staubes, LLC  
126 Seven Farms Drive, Suite 200  
Charleston, SC 29492

February 13, 2019