

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APR 26 2021

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

SC Court of Appeals

Marvin H. Dukes, III, Special Circuit Court Judge

Civil Action No. 2016-CP-07-1475
Appellate Case No. 2020-0001119

SHAMSY MADANI.....Respondent,

v.

RICKEY PHELPS AND CHRISTY PHELPS.....Appellants.

MOTION FOR COSTS ON APPEAL

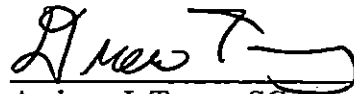
Pursuant to Rule 222(a), and 242(j), SCACR, Respondent requests this Court award her costs associated with this appeal. Rule 222(a), SCACR, states in pertinent part that “costs shall be taxed against the appellant when the appeal is dismissed or judgment on appeal is affirmed.” Rule 242(j), SCACR, states in pertinent part that “Unless 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.

On April 15, 2020, this Court Affirmed the circuit court’s order reversing the magistrate court’s judgment and remanding for a new trial (unpublished opinion no.

2020-UP-108). On April 19, 2021, the Supreme Court denied appellants' petition for a writ of certiorari.

Pursuant to Rule 222(b) Respondent requests this Court award her the costs associated with the the cost of printing the record on appeal, the cost of printing the final brief, and her attorney's fees.

Pursuant to Rule 222(d), SCACR the Respondent is attaching to this motion a sworn, itemized statement of costs.



Andrew J. Toney, SC Bar # 73037
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Hilton Head Island, SC 29938
(843)785-6969
Attorney for Respondent

Other Counsel of Record:
Chris S. Truluck, SC Bar # 77829
1507 Richland St.
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Attorney for Appellants

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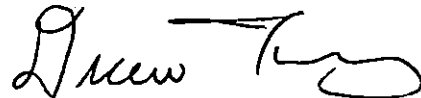
v.

RICKEY PHELPS AND CHRISTY PHELPS.....Appellants.

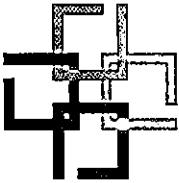
PROOF OF SERVICE

This is to certify that I have on this 21st day of April, 2021 delivered a true and correct copy of Respondent's Motion for Costs on Appeal and Itemized Statement of Costs in the above captioned case by depositing a copy of the same in the United States Mail with correct postage to ensure delivery to:

Chris S. Truluck
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MULLEN WYLIE
ATTORNEYS

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SC Court of Appeals

April 21, 2021

200 Merchant Street
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VIA U.S. MAIL
The Honorable Jenny Abbott Kitchings
The South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

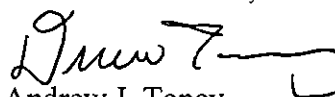
RE: *Shamsy Madani v. Rickey Phelps and Christy Phelps*
Case No.: 2020-0001119

Dear Ms. Kitchings:

Please find enclosed the original and six (6) copies of Respondent's Motion for Costs on Appeal and Itemized Statement of Costs, regarding the above referenced matter. I would appreciate if you would please file the original and return the clocked copies in the enclosed self-addressed stamped envelope.

If you have any questions, please feel free to contact me. Thank you in advance for your assistance with this matter. I remain,

Very truly yours,

MULLEN WYLIE, LLC

Andrew J. Toney

Encl.

cc: Chris S. Truluck, Esq.

George E. Mullen

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