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Jun 16 2021
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Benjamin H. Culbertson, Circuit Court Judge

Appellate Case No. 2017-000567
Opinion No. 5641
(filed April 17, 2019)

Robert Palmer, Appellant,

v.

State of South Carolina, Horry County,
and David Weaver..... Defendants,

Of Whom, State of South Carolina is Respondent.

MOTION FOR COSTS ON APPEAL

The Respondent State of South Carolina, moves this Court, pursuant to Rule 222(d), SCACR, to tax costs on appeal in the amount of \$2,651.33 against the Appellant Robert Palmer.

The requested costs on appeal are set forth in the Statement of Costs on Appeal which is filed herewith.

LINDEMANN & DAVIS, P.A.

BY: s/ Andrew F. Lindemann
ANDREW F. LINDEMANN #13030
5 Calendar Court, Suite 202
Post Office Box 6923
Columbia, South Carolina 29260
(803) 881-8920

-and-

LISA A. THOMAS #66458
THOMPSON & HENRY, P.A.
1300 Second Avenue, Third Floor
Post Office Box 1740
Conway, South Carolina 29528
(843) 248-5741

*Counsel for Respondent
State of South Carolina*

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**MEMORANDUM IN SUPPORT OF
MOTION FOR COSTS ON APPEAL**

By published opinion filed April 17, 2019, the South Carolina Court of Appeals affirming the trial court's dismissal of the State of South Carolina as a party-defendant.

Rule 222(a), SCACR, provides that "costs shall be taxed against appellant when the appeal is dismissed or judgment on appeal is affirmed." See, Rule 222(a), SCACR.

The Respondent State of South Carolina submits that it qualifies as the prevailing party in this appeal. Therefore, as the prevailing party on appeal, the Respondent is entitled to an award of costs on appeal in accordance with Rule 222(b), SCACR, which includes the costs of printing its Final Brief and the cost for the motion to dismiss hearing transcript. The Respondent is also entitled to attorneys' fees in the amount of \$2,500.00, which is an amount set by order of the Supreme Court.

As a result, the Respondent respectfully requests that this Court award costs on appeal in the amount of \$2,651.33. The requested costs on appeal are set forth in the Statement of Costs on Appeal, which is also filed herewith.

Respectfully submitted,

LINDEMANN & DAVIS, P.A.

BY: s/ Andrew F. Lindemann

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5 Calendar Court, Suite 202
Post Office Box 6923
Columbia, South Carolina 29260
(803) 881-8920

LISA A. THOMAS #66458
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State of South Carolina, Horry County,
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Of Whom, State of South Carolina is Respondent.

CERTIFICATE OF SERVICE

In accordance with Section (g)(3) of the Supreme Court’s Order RE: Operation of the Appellate Courts During the Coronavirus Emergency (as amended May 29, 2020), the undersigned employee of Lindemann & Davis, P.A., counsel for the Respondent, does hereby certify that service of the **Motion for Costs on Appeal, Memorandum in Support of Motion for Costs on Appeal**, and the **Costs on Appeal** in the above-captioned matter was made upon all counsel of record by email only this the 16th day of June 2021:

Gene M. Connell, Esquire
Kelaher, Connell & Connor, P.C.
Email: gconnell@classactlaw.net

Roger D. Johnson, Esquire
Law Office of Roger Johnson
Email: attorneyrogerjohnson@gmail.com

Lisa A. Thomas, Esquire
Thompson & Henry, P.A.
Email: lthomas@thompsonlaw.com

J. Emory Smith, Jr., Esquire
Deputy Solicitor General
Office of the Attorney General
Email: ESmith@scag.gov

s/ Andrew F. Lindemann



Telephone (803) 881-8920
Facsimile (803) 862-1181

5 Calendar Court, Suite 202 (29206)
Post Office Box 6923
Columbia, South Carolina 29260

ANDREW F. LINDEMANN*
Direct Dial: (803) 881-8921
Email: andrew@ldlawsc.com

JAMES M. DAVIS, JR.†
Direct Dial: (803) 881-8922
Email: jim@ldlawsc.com

*Also Admitted in North Carolina
†Certified Mediator

Of Counsel

STEVEN R. SPREEUWERS
Direct Dial: (803) 373-2268
Email: steve@ldlawsc.com

June 16, 2021

Via Email Only

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Email: ctappfilings@sccourts.org

RECEIVED
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SC Court of Appeals

RE: Robert Palmer v. State of South Carolina, Horry County, and David Weaver
Appellate Case Number: 2017-000567
Civil Action Number: 2016-CP-26-1614
Claim Number: 19730
Our File Number: 104.10136

Dear Ms. Kitchings:

In accordance with Section (c)(5) of the Supreme Court's Order RE: Operation of the Appellate Courts During the Coronavirus Emergency (as amended May 29, 2020), please find enclosed for filing the **Motion for Costs on Appeal, Memorandum in Support of Motion for Costs on Appeal**, and the **Costs on Appeal** in the above referenced matter. In accordance with Section (g)(3) of this same order, I am hereby serving copies on all counsel of record by email only. Since the State of South Carolina is filing this motion, no filing fee is required.

If you have any questions, please advise.

Sincerely,

LINDEMANN & DAVIS, P.A.

Andrew F. Lindemann

AFL/jmb
Enclosures

cc: Gene M. Connell, Esquire (w/ Enclosures, Via Email Only)
Roger D. Johnson, Esquire (w/ Enclosures, Via Email Only)
Lisa A. Thomas, Esquire (w/ Enclosures, Via Email Only)
J. Emory Smith, Jr., Esquire (w/ Enclosures, Via Email Only)