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Sep 30 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas
Charles B. Simmons, Jr., Master in Equity

Court of Appeals Appellate Case No. 2018-001209
Supreme Court Appellate Case No. 2021-000665
Common Pleas Case No. 2017-CP-23-6301

Raymond A. Wedlake, individually and
derivatively, on behalf of all Members of
Woodington Homeowners' Association, Inc.....Appellant,

v.

Benjamin Acord, William Craigo, Denis
Esteve, and Brian James in their capacity
as the current Board of Directors of the
Woodington Homeowners' Association, Inc..... Respondents.

RESPONDENTS' MOTION FOR COSTS PURSUANT TO RULE 222, SCACR

Ely O. Grote, SC Bar No. 75379
McCabe, Trotter & Beverly, P.C.
4500 Fort Jackson Blvd., Suite 250
Columbia, South Carolina 29209
Phone: (803) 724-5000 Fax: (803) 724-5001
Email: ely.grote@mccabetrotter.com
Attorney for Respondents

Pursuant to Rule 222, SCACR, Respondents hereby move for the taxation of costs against Appellant. In support of this Motion, Respondents would show as follows.

On April 7, 2021, the Court of Appeals issued its opinion (Unpublished Opinion No. 2021-UP-113) *affirming* the order/judgment of the trial court. On June 15, 2021, the Court of Appeals denied Appellant's petition for rehearing and suggestion for rehearing en banc. On June 24, 2021, the Clerk of the Supreme Court dismissed Appellant's attempted petition for writ of certiorari for failure to comply with the requirements of Rule 242(d), SCACR. On September 21, 2021, the Supreme Court issued an Order denying Appellant's petition for reinstatement. Remittitur was issued by the Court of Appeals on September 21, 2021.

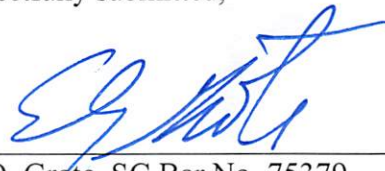
Pursuant to Rule 222(a), SCACR, "Unless otherwise ordered by the appellate court or agreed by the parties, costs shall be taxed against the appellant when the appeal is dismissed or judgment on appeal is affirmed." The recoverable amounts include an attorney's fee in an amount set by Order of the Supreme Court."¹ Rule 222(b), SCACR. Because the judgement of the trial court was affirmed and Appellant's petition for writ of certiorari was dismissed, costs are taxable against Appellant pursuant to Rule 222, SCACR, and Respondents are entitled to an award of costs. A sworn itemized statement of costs is attached as Exhibit A and incorporated herein by reference.

WHEREFORE, Respondents pray that costs and attorney's fees be taxed against Appellant in the amount of \$2,777.41, as set forth in itemized statement of costs accompanying this motion.

(Signature page follows.)

¹ Currently \$2,500.

Respectfully submitted,



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as the current Board of Directors of the
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PROOF OF SERVICE

I certify that I have served the foregoing Respondents' Motion for Costs Pursuant to Rule 222, SCACR and accompanying Itemization of Costs on Raymond A. Wedlake by depositing a copy of it in the United States Mail, postage prepaid, on September 30, 2021, addressed as follows:

Raymond A. Wedlake
703 Creekview Drive
Greenville, South Carolina 29607
Pro Se Appellant



Ely O. Grote, SC Bar No. 75379
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Attorney for Respondents

September 30, 2021
Columbia, South Carolina

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Licensed to practice in South Carolina

Locations in:
Columbia, SC
Mount Pleasant, SC

September 30, 2021

VIA EMAIL ONLY: ctappfilings@sccourts.org

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
1220 Senate Street (29201)
Post Office Box 11629
Columbia, South Carolina 29211

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Re: Raymond A. Wedlake, individually and derivatively, on behalf of all Members of Woodington Homeowners' Association, Inc. v. Benjamin Acord, William Craigo, Denis Esteve, and Brian James in their capacity as the current Board of Directors of the Woodington Homeowners' Association, Inc.
Court of Appeals Appellate Case No. 2018-001209
Supreme Court Appellate Case No. 2021-000665
Common Pleas Case No. 2017-CP-23-6301
MTB File No.: 017402.00009

Dear Ms. Kitchings:

Enclosed, please find Respondents' Motion for Costs Pursuant to Rule 222, SCACR with accompanying Itemization of Costs prepared in the above-referenced matter. Please have a member of your staff file said Motion and Itemization, thereafter providing a file-stamped copy to me.

Be advised, my firm's check in the amount of \$50.00 for associated filing fee is being mailed to your office.

Should you have any questions or concerns, please do not hesitate to contact me.

Respectfully,

Ely O. Grote

EOG/bdp
Enclosures

cc: Raymond A. Wedlake, *Pro Se* Appellant (via U.S. Mail and email, w/ enclosures)
Respondents (via email, w/ enclosures)