

RECEIVED
MAR 14 2022
SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FOR THE LEXINGTON COUNTY
Court of Common Pleas

R. Keith Kelly, Circuit Court Judge
Circuit Court Case No. 2018-CP-32-1854

Appellate Case No.: 2019-001181

Twin Bridge Logistics, LLC n/k/a Twin Bridge Transport, LLC, Appellant

v.

Fisher Tank Company f/k/a Fisher Tank Company, Inc. Respondent

RESPONDENT'S REPLY TO APPELLANT'S RETURN TO
RESPONDENT'S MOTION FOR TAXATION OF COSTS AGAINST THE APPELLANT

The Respondent, by and through it undersigned counsel, responding to the Appellant's Return to the Respondent's Motion for Taxation of Costs, would respectfully show unto the court as follows:

1. The Respondent is entitled by Rule 222 of the South Carolina Appellate Court Rules in the amount established by Order of the Supreme Court.

The judgment of the lower court was upheld by the Court of Appeals in this matter. Accordingly, pursuant to Rule 222 (a) SCACR the Respondent is entitled to the taxation of costs against the Appellant. The rule further provides that in addition to the costs specified, "the party shall be entitled to recover an attorney's fee in an amount which shall be set by order of the

Supreme Court.” Rule 222(b) SCRPC. The South Carolina Supreme Court by Order dated January 17, 2018 established that “[t]he attorney’s fees under Rule 222(b) of the South Carolina Appellate Court Rules is hereby increased to \$2,500.” RE: Attorney’s Fees Under Rules 222 and 242 of the South Carolina Appellate Court Rules S.C. Sup. Ct Order No. 2018-01-17-02.

Given that the amount of the Attorneys Fees to be awarded under Rule 222(b) is set by Order of the South Carolina Supreme Court the Appellant’s argument that the Court should consider the factors set forth in *Glasscock v. Glasscock*, 304 S.C. 158, 403 S.E 2d 313 (1991) is without merit.

2. The Appellant’s Return does not comply with the requirements of the Rules 240(e) and 262(b) SCACR.

Rule 240(e) SCACR requires in part that “Any party opposing a motion or petition shall have ten (10) days from the date of service thereof to file an original and six (6) copies of his return with the clerk and serve on all parties a copy of the return”. Rule 262(b) SCACR provides requires that “Any document filed with the appellate court shall be accompanied by proof of service showing the document has been served on all parties.”

The Appellants’ return to the Respondents Motion was filed with the Court on March 2, 2022. However, the return was mailed to and severed on counsel for the Respondent until March 7, 2022. The Appellant failed to comply with court rules which provide for the service of the return on all parties contemporaneously with the filing of the return with the court as established by proof of service. As a result of the failure by the Appellant to comply with the rules the return was not timely served within the period provided by the Rule 240 (e) SCACR and should therefore not be considered by the court.

The Respondent renews its motion that, for the taxation against the Appellant of the costs to include the award of attorneys fees as set forth on the Itemized Statement of Costs, filed with the court.

Respectfully submitted

Gertz & Moore, LLP

March 10, 2022

By: 

W. Joseph Moore, Jr.

S.C. Bar No 10230

1416 Laurel Street (29201)

P.O. Box 456

Columbia, SC 29202-0456

(803) 252-1524

wjmoore@gertzandmoore.com

Attorneys for the Respondent

Other Counsel of Record:

William H. Edwards

Moore Taylor Law Firm

1700 Sunset Boulevard

P.O. Box 5709

West Columbia, SC 29171

(803) 796-9160

will@mttlaw.com

Attorney for the Appellant

RECEIVED
MAR 14 2022
SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FOR THE LEXINGTON COUNTY
Court of Common Pleas

R. Keith Kelly, Circuit Court Judge
Circuit Court Case No. 2018-CP-32-1854

Appellate Case No.: 2019-001181

Twin Bridge Logistics, LLC n/k/a Twin Bridge Transport, LLC, Appellant

v.

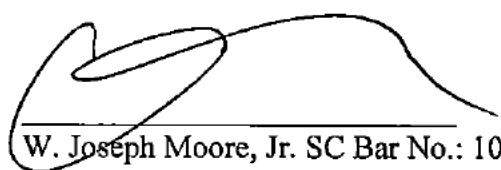
Fisher Tank Company f/k/a Fisher Tank Company, Inc. Respondent

Certificate of Service

The undersigned, attorney for Respondent, hereby certifies, that on this 10th day of March 2022,
I served the Respondent's Reply to the Appellant's Return to the Motion for Taxation of Costs
against the Appellant on counsel of record in this matter, by depositing a copy of same in the United
States Mail, with sufficient first class postage affixed thereto, and addressed as follows:

William H. Edwards, Esquire
Moore Taylor Law Firm
P.O. Box 5709
West Columbia, SC 29171

March 10, 2022



W. Joseph Moore, Jr. SC Bar No.: 10236
Attorney for the Respondent

Gertz & Moore, LLP
Attorneys & Counselors at Law
1416 Laurel Street (29201)
Post Office Box 456
Columbia, South Carolina 29202

RECEIVED

MAR 14 2022

SC Court of Appeals

Frederick A. Gertz
(S.C., N.Y. & Ga)
W. Joseph Moore, Jr.

Telephone (803) 252-1524
Telecopier (803) 799-6946

Alice S. Moore
1946 - 2012

Of Counsel:
Daryl L. Williams

March 10, 2022

The Honorable Jenny Abbott Kitchings
Clerk of Court for The South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: Twin Bridge Logistics, LLC v. Fisher Tank Company
Appellate Case No. 2019-001181
Motion for Extension

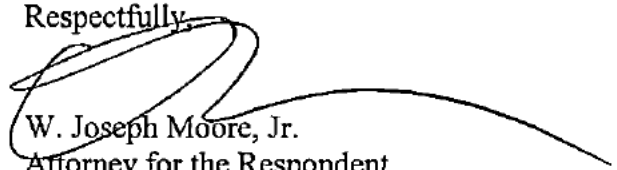
Dear Ms. Kitchings:

Enclosed for filing please find the original and six copies of the Respondent's Reply to Appellant's Return to Respondent's Motion for Taxation of Costs in the above referenced matter.

By copy of this letter I am serving counsel for the Appellant with a copy of the Reply.

Please do not hesitate to contact my office if you have any questions or require any additional information to file the enclosed.

Respectfully,


W. Joseph Moore, Jr.
Attorney for the Respondent

cc: William H. Edwards, Esquire

Gertz & Moore, LLP
P.O. Box 456
Columbia, SC 29202-0456



RECEIVED

MAR 14 2022

SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk of Court for The South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

