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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Honorable Doyet A. Early, Circuit Court Judge

Case No. 2018-CP-40-02425

Appellate Case Number: 2019-000648

Jefferson Davis, Jr., Appellant,

v.

Ellen Weaver, Chad Connelly, Oran P. Smith, Neil J. Mellen, Howard S. Rich, Rick Reames, Stephen D. Kirkland, Palmetto Promise Institute, Palmetto Family Council, Palmetto Family Action, South Carolinians for Responsible Government, SCRG Foundation, Access Opportunity South Carolina, Friedman Foundation for Educational Choice, Inc., Cato Institute, South Carolina Education Credit for Exceptional Needs Children Fund, South Carolina Oversight Committee, South Carolina Department of Revenue, South Carolina Department of Labor, Licensing and Regulations, First Impressions, Inc. d/b/a Richard Quinn & Associates, First Tuesday Strategies, LLC, Bill Wilson, Jason Bedrick, Jim DeMint, Randy Page, Tony Denny, Phillip Cease, Melanie Barton, Doris Cubitt, Susan Thomas, John McCormick, Nate Leupp, Institute of Management Consultants USA & John Doe(s) 1-40,

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Respondents.

MOTION FOR COSTS ON APPEAL OF RESPONDENTS
RICK REAMES AND SOUTH CAROLINA DEPARTMENT OF REVENUE

Respondents Rick Reames and South Carolina Department of Revenue hereby move this Court, pursuant to Rule 222, SCACR, to tax costs on appeal against the Appellant, Jefferson Davis, Jr., on the grounds set forth below.

On March 9, 2022, the South Carolina Court of Appeals issued an unpublished decision affirming the Circuit Court's dismissal of Appellant Jefferson Davis, Jr.'s amended complaint with prejudice for failure to timely serve Respondents. *See*, Unpublished Opinion No. 2022-UP-104. The Remittitur was thereafter issued by this Court on March 25, 2022. In sum, Respondents Rick Reames and South Carolina Department of Revenue prevailed on appeal.

Rule 222, 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. Therefore, as prevailing parties, Respondents Rick Reames and South Carolina Department of Revenue are entitled to an award of costs on appeal in accordance with Rule 222(b), SCACR, which includes the cost of printing the final brief. Respondents Rick Reames and South Carolina Department of Revenue are also entitled to recover an attorney's fee of \$2,500.00, which is an amount set by order of the Supreme Court.

Accordingly, Respondents Rick Reames and South Carolina Department of Revenue move this Court for an Order taxing costs on appeal against Appellant in the amount of \$2,510.70. The requested costs on appeal are set forth in the Itemized Statement of Costs which is filed herewith.

[Signature page to follow]

DAVIDSON, WREN & DEMASTERS, P.A.



BY: s/ Michael B. Wren

William H. Davidson, II, #1558

Michael B. Wren, #69669

1611 Devonshire Drive, Second Floor

Post Office Box 8568

Columbia, South Carolina 29202

T: 803-806-8222

F: 803-806-8855

E-Mail: wdavidson@dml-law.com

mwren@dml-law.com

ATTORNEYS FOR RESPONDENTS RICK REAMES
AND SOUTH CAROLINA DEPARTMENT OF
REVENUE

Columbia, South Carolina
April 8, 2022