

STATE OF SOUTH CAROLINA )  
COUNTY OF GREENVILLE )  
James Mikell "Mike" Burns, Garry R. Smith )  
And Dwight A. Loftis, )  
Plaintiffs, )  
v. )  
Greenville County Council and Greenville )  
County, )  
Defendants. )

IN THE COURT OF COMMON PLEAS  
THIRTEENTH JUDICIAL CIRCUIT

C. A. No.: 2017-CP-23-01914

**PLAINTIFFS' MOTION FOR  
ATTORNEY'S FEES AND COSTS**

Plaintiffs, by their undersigned attorney, moves the Court pursuant to SCRCP 54, S.C. Code Ann. § 15-77-300 and § 15-37-10 for costs and attorney's fees incurred in this case from the Defendants. This motion incorporates a memorandum of law, and an affidavit of counsel supports it.

In any civil action brought by ...any party who is contesting state action, ...the court may allow the prevailing party to recover reasonable attorney's fees to be taxed as court costs against the appropriate agency if:

- (1) The court finds that the agency acted without substantial justification in pressing its claim against the party; and
- (2) The court find that there are no special circumstances that would make the award of attorney's fees unjust.

S.C. Code Ann. § 15-77-300.

Thus, the citizen must prove three elements to claim attorney's fees: (1) the citizen must be the prevailing party; (2) the government entity must have acted without substantial justification; and (3) no special circumstances would have made the award of attorney's fees unjust. *Heath v. County of Aiken*, 302 S.C. 178, 394 S.E.2d 709 (1990); *Richland County v. Kaiser*, 351 S.C. 89, 567 S.E.2d 260 (Cl. App. 2002); *Tennis v. Dept. of Social Services*, 355 S.C. 551, 585 S.E.2d 312 (S.C. App. 2003).

# Fee Dispute With Lawyer Motion Manual

**Edward A. Dauer**



## **Fee Dispute With Lawyer Motion Manual:**

**The Patent Infringement Litigation Handbook** Alan R. Thiele, Judith R. Blakeway, Charles M. Hosch, 2010 This practical book provides a well considered plan for invention protection and management that can be used effectively to avoid expensive time consuming and sometimes company killing patent infringement litigation However because not all patent infringement litigation can be avoided the second part of this important book explains how to manage patent infringement litigation should it become necessary *The Litigation Manual: Pretrial* John G. Koeltl, 1999 **Trial Court Performance Standards and Measurement System Implementation Manual**, 1997 *Payment of Attorneys' Fees in Tax Litigation* United States. Congress. House. Committee on Ways and Means. Subcommittee on Select Revenue Measures, 1981

Criminal Antitrust Litigation Handbook, 2006 Criminal Antitrust Litigation Handbook Second Edition outlines the law that governs each phase of the criminal litigation process The Handbook reflects the combined knowledge experience and judgment of a significant group of prominent and successful government prosecutors and defense counsel in addressing procedure and strategy as well as all relevant legal requirements The book imparts many practical insights that have been gained after lengthy personal experience in the trenches *California. Court of Appeal (1st Appellate District). Records and Briefs* California (State)., *Handbook on ERISA Litigation* James F. Jorden, Waldemar J. Pflepsen (Jr.), Stephen H. Goldberg, 2006-12-19 Handbook on ERISA Litigation cuts through complicated statutory provisions and tells you which ERISA claims are recognized by which courts and how to litigate them **Nolo's Deposition Handbook** Paul Bergman, Albert Moore, 2025-06-01 Take the fear and mystery out of your deposition Nolo's Deposition Handbook is a must read for anyone taking defending or facing a deposition You'll find all the information and instructions you need whether or not a lawyer is representing you Packed with concrete suggestions and examples this book explains how to arrange a convenient date prepare for the deposition and respond to questions with confidence Best of all you'll learn the three golden rules for answering questions and the trick questions lawyers often use to influence testimony Written in plain English Nolo's Deposition Handbook is an excellent resource for eyewitnesses expert witnesses parties to a lawsuit people who represent themselves in court lawyers law students and legal assistants and anyone participating in a deposition conducted online The 9th edition is updated to include information on electronic discovery and the latest statutes court cases and federal rules and provides information on how to set up and conduct a deposition remotely using a computer **Federal District Court Law Clerk Handbook** Calvert G. Chipchase, 2007 The Litigation Manual John G. Koeltl, 1999 Four favorite tales by beloved storyteller In addition to title story Great Claus and Little Claus The Tinder Box and The Swineherd Newly reset in large easy to read type with 6 new illustrations by Thea Kliros New introductory Note **Bankruptcy Litigation Manual** Michael L. Cook, 2021-03 Every step in the business bankruptcy litigation process is covered in Wolters Kluwer's Bankruptcy Litigation Manual from the drafting of the first pleadings through the appellate process By making the Bankruptcy Litigation Manual a

part of your working library you not only get detailed coverage of virtually all the topics and issues you must consider in any bankruptcy case you also get field tested answers to questions you confront every day such as How to stay continuing litigation against a corporate debtor's non debtor officers What are the limits on suing a bankruptcy trustee Is the Deprizio Doctrine still alive Does an individual debtor have an absolute right to convert a case from Chapter 7 to Chapter 13 What prohibitions exist on cross collateralization in financing disputes Are option contracts executory for bankruptcy purposes When and under what circumstances may a bankruptcy court enjoin an administrative proceeding against a Chapter 11 debtor What are the current standards for administrative priority claims When must a creditor assert its setoff rights When can a remand order issued by a district court be reviewed by a court of appeals What are the limits on challenging pre bankruptcy real property mortgage foreclosures as fraudulent transfers Can an unsecured lender recover contract based legal fees incurred in post bankruptcy litigation on issues of bankruptcy law Is there a uniform federal limitation on perfecting security interests that primes a longer applicable state law period thus subjecting lenders to a preference attack Do prior bankruptcy court orders bar a plaintiff's later state court suit and warrant removal of the action in federal court Michael L Cook a partner at Schulte Roth Zabel LLP in New York and former long time Adjunct Professor at New York University School of Law has gathered together some of the country's top bankruptcy litigators to contribute to Bankruptcy Litigation Manual Contributing Authors Jay Alix Southfield MI Neal Batson Alston Bird LLP Atlanta GA Kenneth K Bezozo Haynes and Boone New York NY Susan Block Lieb Fordham University School of Law Newark NJ Peter W Clapp Valle Makoff LLP San Francisco CA Dennis J Connolly Alston Bird LLP Atlanta GA David N Crapo Gibbons P C Newark NJ Karen A Giannelli Gibbons P C Newark NJ David M Hillman Schulte Roth Zabel LLP New York NY Alfred S Lurey Kilpatrick Stockton Atlanta GA Gerald Munitz Butler Rubin Salterelli Boyd LLP Chicago IL Robert L Ordin Retired Bankruptcy Court Judge Stephen M Pezanosky Haynes and Boone LLP Partner and Chair of Bankruptcy Section Fort Worth TX Robin E Phelan Haynes and Boone LLP Dallas TX Daniel H Squire Wilmer Cutler Pickering Hale and Dorr LLP Washington DC Michael L Temin Fox Rothschild LLP Philadelphia PA Sheldon S Toll Law Office of Sheldon S Toll Southfield MI Jason H Watson Alston Bird LLP Atlanta GA Kit Weitnauer Alston Bird LLP Atlanta GA Written by Mr Cook and nineteen other experts Bankruptcy Litigation Manual provides authoritative up to date information on virtually every aspect of the bankruptcy litigation process from discovery through appeal *California. Court of Appeal (2nd Appellate District). Records and Briefs California (State).*,

**United States Attorneys' Manual** United States. Department of Justice, 1997 **Annotated Manual for Complex Litigation, Fourth** David F. Herr, 2006 Clearinghouse Review, 1988 *Litigation Handbook on West Virginia Rules of Civil Procedure - Fourth Edition* Franklin D. Cleckley, Robin Jean Davis, Louis J. Palmer, Jr, 2015-01-01 January 2015 Cumulative Pocket Part The Litigation Handbook On West Virginia Rules of Civil Procedure Fourth Edition provides a meaningful and thorough starting point for any practitioner seeking a fundamental understanding of the application of the

West Virginia rules of civil procedure For ease and convenience the material in this new Handbook has been organized to correspond with actual rule citations For example 12 b 6 of the Handbook corresponds with Rule 12 b 6 of the rules of civil procedure Therefore if a practitioner knows the particular rule citation under consideration he or she need only find the corresponding section citation in this Handbook for a discussion of the particular rule The Fourth Edition cites per curiam opinions issued by the state Supreme Court and also provides federal case law construing the federal rules of civil procedure As the practitioner knows West Virginia s rules of civil procedure are patterned after the federal rules With this knowledge in mind the Handbook offers as persuasive authority federal decisions construing the federal rules As a practical matter the Handbook limits its use of federal case law to areas that the state Supreme Court has not issued controlling opinions upon This Handbook is an invaluable tool for both the bench and bar **Order Litigation Handbook on West Virginia Rules of Civil Procedure Fourth Edition** for your office today

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**Manual of Dispute Resolution** Edward A. Dauer, 1994

Employment Litigation Handbook Cathy Beveridge, 2010 This updated and expanded edition provides experienced solutions to the procedural and important substantive problems you will encounter in assessing settling litigating and appealing an employment case no matter your level of experience whether you represent management or employee or whether the case at hand involves harassment discrimination or wrongful discharge It includes dozens of checklists sample

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