

**RECEIVED**  
**Dec 06 2022**  
**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM GREENVILLE COUNTY  
Perry H. Gravely, Circuit Court Judge

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Appellate Case No. 2020-001144  
Opinion No. 2022-UP-398  
(filed November 2, 2022)

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Kierra Johnson, ..... Appellant,

v.

Greenville County, Greater Greenville Sanitation District, the  
South Carolina Department of Transportation, American  
Southern Insurance Company, and the State Fiscal  
Accountability Authority ..... Defendants,

Of which American Southern Insurance Company is, ..... Respondent.

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**MOTION FOR COSTS ON APPEAL**

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The Respondent American Southern Insurance Company moves this Court,  
pursuant to Rule 222(d), SCACR, to tax costs on appeal in the amount of \$2,524.00  
against the Appellant Kierra Johnson.

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  
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*Counsel for Respondent  
American Southern Insurance Company*

December 6, 2022

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

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By unpublished opinion filed November 2, 2022, the South Carolina Court of Appeals affirmed the circuit court's granting of American Southern Insurance Company's motion to dismiss. The Court ruled in favor of the Respondent on all issues decided in this appeal.

Rule 222(a), SCACR, provides that "[u]nless 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." Rule 222(a), SCACR. The Respondent American Southern Insurance Company, therefore, qualifies as the prevailing party in this appeal. As the prevailing party, the Respondent American Southern Insurance Company is entitled to an award of costs on appeal in accordance with Rule 222(b), SCACR, which includes the cost for the hearing transcript. Respondent American Southern Insurance Company is also entitled to attorneys' fees in the amount of \$2,500.00, which is an amount set by order of the Supreme Court.

The filing of this motion is timely. The Remittitur was filed on November 21, 2022. This motion is filed within fifteen days of the issuance of the Remittitur, as required by Rule 222(d), SCACR.

As a result, the Respondent American Southern Insurance Company moves this Court, pursuant to Rule 222(d), SCACR, for an award of costs on appeal in the amount of \$2,524.00. 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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Columbia, South Carolina 29260

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*Counsel for Respondent*

*American Southern Insurance Company*

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Of which American Southern Insurance Company is, ..... Respondent.

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**CERTIFICATE OF SERVICE**

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Pursuant to Section (d)(1) of the Supreme Court’s Order RE: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (As Amended May 6, 2022), the undersigned employee of Lindemann & Davis, P.A., counsel for the Respondent American Southern Insurance Company, does hereby certify that service of the **Motion for Costs on Appeal, Memorandum in Support of Motion for Costs on Appeal,** and the **Statement of**

**Costs on Appeal** was made upon Appellant's counsel of record by email only this the 6th day of December 2022 as follows:

Joshua T. Hawkins, Esquire  
Helena L. Jedziniak, Esquire  
Hawkins & Jedziniak, LLC  
Email: [josh@hjllcsc.com](mailto:josh@hjllcsc.com)  
Email: [helena@hjllcsc.com](mailto:helena@hjllcsc.com)

*s/ Andrew F. Lindemann*

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

*\*Also Admitted in North Carolina  
†Certified Mediator*

December 6, 2022

**Via Email Only**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Email: [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

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**SC Court of Appeals**

RE: Kierra Johnson v. Greenville County, the Greater Greenville Sanitation District and the South Carolina Department of Transportation  
Appellate Case Number: 2020-001144  
Civil Action Number: 2020-CP-23-2023  
Claim Number: 7045583-CJ  
Date of Incident: January 7, 2020  
Our File Number: 23.20315

Dear Ms. Kitchings:

Pursuant to Section (b)(2) of the Supreme Court's Amended Order Re: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules, please find enclosed for filing the **Motion for Costs on Appeal, Memorandum in Support of Motion for Costs on Appeal**, and the **Statement of Costs on Appeal** in the above referenced matter. By copy of this letter, I am serving copies on Appellant's counsel by email only pursuant to Section (d)(1) of the same Order. The \$50.00 check for the filing fee will be mailed to the Court via U.S. Mail today.

Thank you for your assistance in this matter. If you have any questions, please advise.

Sincerely,

LINDEMANN & DAVIS, P.A.

Andrew F. Lindemann

AFL/jmb  
Enclosures

cc: Joshua T. Hawkins, Esquire (w/ Enclosures, Via Email Only)  
Helena L. Jedziniak, Esquire (w/ Enclosures, Via Email Only)