

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

The Honorable Perry H. Gravely, Circuit Court Judge

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Appellate Case No. 2020-001144

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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 whom American Southern Insurance Company is the.....Respondent.

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**RETURN TO MOTION FOR COSTS**

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The appellant respectfully requests that American Southern Insurance Company’s motion for costs on appeal be denied. This Court has the power to deny American Southern’s motion pursuant to 222 SCACR, and the appellant respectfully requests that the Court of Appeals, in its discretion, either deny the motion or, in the alternative, reduce the amount awarded.

Equity does not favor an award of appellate costs against the appellant in this case. The appellant is of meager means and has been homeless for much of this litigation, which continues in the Court below. The appellant was injured while she walked toward a bus stop and the sanitation equipment on a waste collection vehicle struck and injured her. American Southern is a large third-party administrator, which has attempted to avoid making the appellant whole at every

turn, even after evidence was adduced during a deposition supporting the appellant's gross negligence claim against Greater Greenville Sanitation District. What happened to the appellant was unfair and harmful, and the appellant respectfully requests that this Court, in its discretion, deny American Southern's motion to tax costs against her.

The appellant set forth ample case law to support her position in her initial and reply briefs. While this Court ultimately ruled against her, the appellant made a good faith effort based upon existing case law and the plain language of the Improper Claims Practices Act to correct the ruling of the Court below. Although the appellant's position was incorrect, she respectfully requests that she not be penalized for her good faith arguments. Therefore, the appellant humbly and respectfully requests that the Court deny the respondent's motion for costs or, in the alternative, reduce the amount awarded.

Respectfully submitted,

*s/ Joshua T. Hawkins*

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**Attorneys for Appellant**

Greenville, South Carolina

December 15, 2022

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Of whom American Southern Insurance Company is the.....Respondent.

**PROOF OF SERVICE**

I certify that I have served a copy of the Appellant’s Return to Respondent’s Motion for  
Costs, electronically to the Court of Appeals, and to the following attorney of record for the  
Respondent to the following electronic addresses, on this date December 15, 2022:

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Andrew Lindemann  
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*s/ Joshua T. Hawkins*  
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**RECEIVED**

**Dec 15 2022**

**SC Court of Appeals**

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December 15, 2022

-via electronic filing/service: [ctappfilings.com](http://ctappfilings.com)-

Ms. Jenny Abbot Kitchings

Clerk of Court

South Carolina Court of Appeals

1220 Senate Street

Columbia, South Carolina 29201

Re: *Kierra Johnson v. Greenville County, Greater Greenville Sanitation District, the South Carolina Department of Transportation, American Southern Insurance Company, and the State Fiscal Accountability Authority*  
App. Case No.: 2020-001144

Dear Ms. Kitchings:

Please find enclosed for filing, Appellant's Return to Respondent's Motion for Costs, along with a Proof of Service, in the above-referenced case.

Should you need anything further, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Monica Brody', written over a large, stylized circular flourish.

Monica Brody  
Paralegal

Enclosures

CC: --via electronic mail only--

James M. Davis, Jr.

LINDEMANN, DAVIS & HUGHES, P.A.

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