

The South Carolina Court of Appeals

Tymika Jones Alston and Harold Alston individually
And as Parents and Guardians on behalf of their minor
child, J.A., Appellants,

v.

Donald Richard Torres d/b/a DMT Construction Co.,
Inc., L&L Electric, Inc. and Eduardo Moreno d/b/a E.S.
Moreno Construction, Defendants,

Of which Donald Richard Torres d/b/a DMT
Construction Co., Inc., is the Respondent.

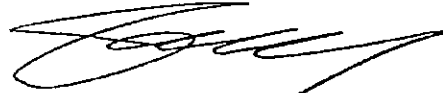
Appellate Case No. 2019-000148

ORDER

This appeal was dismissed on September 13, 2022, and remitted on November 16, 2022. The parties filed a consent motion for dismissal shortly before oral argument, with the parties agreeing Appellants' minor child maintains a viable claim and without reaching an agreement as to appellate costs. Respondent has now filed a motion for costs pursuant to Rule 222, SCACR, seeking to recover \$122.54 for the costs of printing its final brief, and \$2,500 in attorney's fees, for a total of \$2,622.54. Appellants did not file a return.

We grant the motion. *See* Rule 222(a), SCACR ("Unless 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(b), SCACR (providing "[t]he party entitled to recover costs under this rule may, to the extent the party actually incurred these costs, recover . . . the cost of printing the party's final brief(s) under Rule 210"); *id.* (providing the party entitled to costs is also entitled to recover attorney's fees up to \$2,500).

Thus, Respondent is awarded \$122.54 in costs and \$2,500 in attorney's fees, for a total of \$2,622.54. The Richland County Clerk of Court is directed to add this award to the remittitur.



FOR THE COURT

Columbia, South Carolina

cc:

Donald Gist, Esquire
Helen F Hiser, Esquire
Aaron Vernon Wallace, Esquire
Robert L. Mebane, Jr., Esquire
Jeanette W. McBride

FILED
Jan 13 2023
