

**RECEIVED**  
**Feb 16 2023**  
S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

G. Thomas Cooper, Jr., Circuit Court Judge

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Opinion No. 28121 (S.C. Sup. Ct. filed November 2, 2022)

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State Farm Mutual Automobile Insurance Company,

Petitioner

v.

Myra M. Windham,

Respondent.

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**MOTION FOR COSTS**

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Pursuant to Rule 242, SCACR, Stephen H. Cook requests that the costs of this appeal be taxed against the Petitioner, State Farm Mutual Automobile Insurance Company. The Court affirmed the Court of Appeals on November 2, 2022 and found in favor of the Respondent. The Court issued the remittitur in the case on February 9, 2023.

Rule 242(j) provides “unless otherwise ordered by the Supreme Court or agreed to by the parties, costs shall be assessed against the appellant if the decision of the Supreme Court has the effect of affirming the judgment of the lower court or tribunal which was reviewed by the Court of Appeals.” Because the Court has not ordered otherwise and the parties have not agreed otherwise, the rule provides the Court should award costs to Respondent.

In accordance with the instructions of Rule 242(j)(4), an itemized statement of costs is attached to this motion.

February 16, 2023

Respectfully submitted,

**Counsel for the Respondent**

*s/ Stephen H. Cook*

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