

# The South Carolina Court of Appeals

Ray Wallauer, Carol Wallauer, John White, and Pam White, Respondents,

v.

Accelerate Solar, LLC; Advantage Solar, LLC; Dividend Solar Finance, LLC; and Justin Pole, Defendants,

Of which Advantage Solar, LLC is the Appellant.

Appellate Case No. 2022-001606

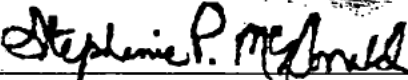
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## ORDER

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On March 9, 2023, this appeal was dismissed as interlocutory after the parties submitted appealability memoranda at the request of this court. The case was remitted on March 29, 2023. Respondent has now filed a motion for costs pursuant to Rule 222, SCACR, seeking to recover \$2,500.00 in attorney's fees. Appellant filed a return opposing the request or, in the alternative, an award in a lesser amount.

We grant the motion in part. *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."). In light of the dismissal of the appeal occurring early in the appellate process, this court exercises its discretion to award \$1,000 in attorney's fees. *See* Rule 222(b), SCACR (permitting an appellate court to award an attorney's fee); *Austin v. Stokes-Craven Holding Corp.*, 406 S.C. 187, 199, 750 S.E.2d 78, 84 (2013) (explaining that "it is within [the appellate] Court's discretion whether to award fees and costs under Rule 222"). The Horry County Clerk of Court is directed to add this award of costs to the remittitur.

  
FOR THE COURT

Columbia, South Carolina

**FILED**  
**May 08 2023**

cc:

Joseph Owen Smith, Esquire

Joshua Jennings Hudson, Esquire

Gene McCain Connell, Jr., Esquire

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