

The South Carolina Court of Appeals

Ex Parte: Uber Technologies, Inc. and Raiser, LLC,
Appellants,

In re:

Tracy Harvey, Respondent,

v.

Jennifer Evely and Lyft, Inc. d/b/d Lyft Drives South
Carolina, Inc., Defendants.

Appellate Case No. 2023-000415

ORDER

On March 15, 2023, this appeal was dismissed as interlocutory. The case was remitted on April 10, 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.

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 Richland County Clerk of Court is directed to add this award of costs to the remittitur.



FOR THE COURT

FILED
May 09 2023

Columbia, South Carolina

cc:

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