

**RECEIVED**

**May 24 2023**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Mikell R. Scarborough, Master in Equity

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Appellate Case No. 2020-000278  
Case No. 2019-CP-10-4211

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William E. Danielson,..... Plaintiff,

v.

Tyler Beauregard, Caroline Beauregard, and  
Born Capital, LLC,..... Defendants,

Of Which Born Capital, LLC, is the ..... Appellant,

and

Of whom Caroline Beauregard is the ..... Respondent.

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**MOTION FOR COSTS ON APPEAL**

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The Respondent Caroline Beauregard moves this Court, pursuant to Rule 222(d), SCACR, to tax costs on appeal in the amount of \$2,561.53 against the Appellant Born Capital, LLC.

This motion is based on the grounds as set forth in the supporting memorandum filed herewith.

The requested costs on appeal are set forth in the Statement of Costs on Appeal which is filed herewith.

LINDEMANN LAW FIRM, P.A.

BY: s/Andrew F. Lindemann  
ANDREW F. LINDEMANN #13030  
5 Calendar Court, Suite 202  
Post Office Box 6923  
Columbia, South Carolina 29260  
(803) 881-8920  
[andrew@ldlawsc.com](mailto:andrew@ldlawsc.com)

*Counsel for Respondent  
Caroline Beauregard*

May 24, 2023

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**MEMORANDUM IN SUPPORT OF  
MOTION FOR COSTS ON APPEAL**

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By unpublished opinion filed April 19, 2023, the South Carolina Court of Appeals affirmed the circuit court's order granting the dismissal of Appellant Born Capital, LLC's cross-claim for equitable indemnification against Respondent

Carolina Beauregard. The Court ruled in favor of the Respondent Caroline Beauregard on all issues decided in this appeal.

Rule 222(a), SCACR, provides that "[u]nless 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(a), SCACR. The Respondent Caroline Beauregard, therefore, qualifies as the prevailing party in this appeal. As the prevailing party, the Respondent Caroline Beauregard is entitled to an award of costs on appeal in accordance with Rule 222(b), SCACR, which includes the costs of printing the Final Brief of Respondent. The Respondent Caroline Beauregard is also entitled to attorneys' fees in the amount of \$2,500.00, which is an amount set by order of the Supreme Court.

The filing of this motion is timely. The Remittitur was filed on May 9, 2023. This motion is filed within fifteen days of the issuance of the Remittitur, as required by Rule 222(d), SCACR.

As a result, the Respondent Caroline Beauregard moves this Court, pursuant to Rule 222(d), SCACR, for an award of costs on appeal in the amount of \$2,561.53. The requested costs on appeal are set forth in the Statement of Costs on Appeal, which is also filed herewith.

Respectfully submitted,

LINDEMANN LAW FIRM, P.A.

BY: s/ Andrew F. Lindemann

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5 Calendar Court, Suite 202

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*Counsel for Respondent*

*Caroline Beauregard*

May 24, 2023

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v.  
  
Tyler Beauregard, Caroline Beauregard, and  
Born Capital, LLC, ..... Defendants,  
  
Of Which Born Capital, LLC, is the ..... Appellant,  
  
and  
  
Of whom Caroline Beauregard is the ..... Respondent.

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**STATEMENT OF COSTS ON APPEAL**

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The Clerk of the South Carolina Court of Appeals is requested to tax the following costs against the Appellant Born Capital, LLC:

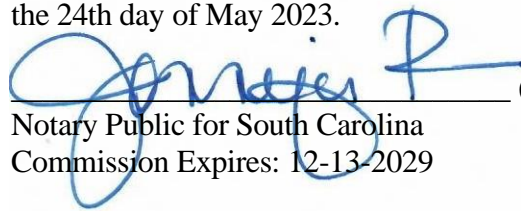
<b>COSTS AND FEES TAXABLE UNDER RULE 222(d), SCACR</b>	<b>NO. OF PAGES</b>	<b>RATE</b>	<b>REQUESTED</b>	<b>ALLOWED</b> (For Court use only)
-----				
Cost of Printing Final Brief of Respondent:			\$	61.53
-----				
Attorney's Fee Provided By Rule 222(b), SCACR:			\$	2,500.00
-----				
Other (specify and explain):				
-----				
		<b>TOTAL ....</b>	<b>\$</b>	<b>2,561.53</b>

I, Andrew F. Lindemann, do swear that the foregoing costs are correct and were necessarily incurred in this action. A copy of this statement was served upon counsel for the Appellant by email only pursuant to Section (d)(1) of the Supreme Court's Order RE: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules.

  
\_\_\_\_\_  
ANDREW F. LINDEMANN

*Counsel for Respondent Caroline Beauregard*

Sworn to and subscribed before me this  
the 24th day of May 2023.

  
\_\_\_\_\_  
(SEAL)  
Notary Public for South Carolina  
Commission Expires: 12-13-2029

Approved: \_\_\_\_\_  
CLERK

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM CHARLETON COUNTY  
Mikell R. Scarborough, Master in Equity

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William E. Danielson, ..... Plaintiff,

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Born Capital, LLC, ..... Defendants,

Of Which Born Capital, LLC, is the ..... Appellant,

and

Of whom Caroline Beauregard is the ..... Respondent.

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**CERTIFICATE OF SERVICE**

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Pursuant to Section (d)(1) of the Supreme Court's Order re: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (As Amended May 6, 2022), the undersigned employee of Lindemann Law Firm, P.A., counsel for the Respondent Caroline Beauregard, does hereby certify that service of **Motion for Costs on Appeal, Memorandum in Support of Motion for Costs on Appeal**, and the **Statement of Costs on Appeal** in the above-captioned matter was made upon Appellant's counsel by email only this the 24th day of May 2023 as follows:



Telephone (803) 881-8920  
Facsimile (803) 862-1181

5 Calendar Court, Suite 202 (29206)  
Post Office Box 6923  
Columbia, South Carolina 29260

ANDREW F. LINDEMANN\*  
Direct Dial: (803) 881-8921  
Email: [andrew@ldlawsc.com](mailto:andrew@ldlawsc.com)

\*Also Admitted in North Carolina

May 24, 2023

Via Email Only

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Email: [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

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May 24 2023

SC Court of Appeals

RE: William E. Danielson v. Tyler Beauregard, Caroline Beauregard, and Born Capital, LLC  
Appellate Case Number: 2020-000278  
Civil Action Number: 2016-CP-10-4211  
Our File Number: 79.20482

Dear Ms. Kitchings:

Pursuant to Section (b)(2) of the Supreme Court's Amended Order Re: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (As Amended May 6, 2022), please find enclosed for filing the **Motion for Costs on Appeal, Memorandum in Support of Motion for Costs on Appeal**, and the **Statement of Costs on Appeal** in the above referenced matter. My firm's \$50.00 check for the filing fee will be placed in today's U.S. Mail.

By copy of this letter, I am serving copies on opposing counsel by email only pursuant to Section (d)(1) of the same Order. Thank you for your assistance in this matter. If you have any questions, please advise.

Sincerely,

LINDEMANN LAW FIRM, P.A.

Andrew F. Lindemann

AFL/jmb  
Enclosures

cc: R. Patrick Flynn, Esquire (w/ Enclosures, Via Email Only)  
Michael W. Allen, Esquire (w/ Enclosures, Via Email Only)

R. Patrick Flynn, Esquire  
Michael W. Allen, Esquire  
Pope Flynn, LLC  
Email: [pflynn@popeflynn.com](mailto:pflynn@popeflynn.com)  
Email: [mallen@popeflynn.com](mailto:mallen@popeflynn.com)

*s/ Andrew F. Lindemann*

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