

The South Carolina Court of Appeals

Privilege Underwriters Reciprocal Exchange, Appellant,

v.

Calvin C. "Skip" Hoagland and Lisa Sulka, Respondents.

Appellate Case No. 2022-001148

ORDER

On August 19, 2022, we dismissed this appeal because the order on appeal was interlocutory and not directly appealable. We denied rehearing on February 10, 2023. Appellant subsequently filed a petition for a writ of certiorari in our supreme court, which was denied on June 13, 2023. The case was remitted by this court on June 30, 2023. Respondents have now filed a motion for costs pursuant to Rule 222, SCACR, seeking to recover \$25 in transcript costs, \$150 in filing fees for motions filed in our supreme court, and \$2,500 in attorney's fees. *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.").

We grant the motion in part and deny the motion in part. Under Rule 222(b), SCACR, the only recoverable filing fee is "the filing fee paid under Rule 203(d)"; accordingly, we deny Respondents' motion insofar as they seek to recover \$150 in filing fees for motions filed in our supreme court. Moreover, in light of the dismissal occurring mere days after the filing of the notice of appeal and because Respondents' sole filing with this court is the instant motion, this court exercises its discretion to award \$1,500 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"). Accordingly, Respondents are awarded a total of \$1,525. The Beaufort

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


FOR THE COURT

Columbia, South Carolina

cc:

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