

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

**RECEIVED**

**Jan 31 2024**

APPEAL FROM SPARTANBURG COUNTY  
Court of Common Pleas

S.C. SUPREME COURT

J. Mark Hayes, II, Circuit Court Judge

Appellate Case No. 2022-000285

H. Hughes Andrews .....Petitioner,

v.

Quentin S. Broom, Jr. .... Respondent.

**RESPONDENT’S MOTION FOR COSTS**

Respondent Quentin Broom moves for the taxation of costs on appeal under Rule 242(j) and Rule 222(b) of the South Carolina Appellate Court Rules against Petitioner Hughes Andrews. The Itemized Statement of Costs is attached.

Petitioner’s claims were originally dismissed with prejudice by the trial court in November 2011, and Petitioner appealed. The court of appeals remanded for the trial court to rule on a motion to amend, but this Court reversed, finding that issue not preserved for review. The trial court then reversed its earlier dismissal with prejudice and allowed Petitioner to move to amend his complaint after the unsuccessful appeal. Following a bench trial that resulted in a decision in favor of Petitioner, Mr. Broom appealed. The court of appeals reversed, finding the trial court erred in allowing the case to go forward following the dismissal with prejudice. This Court granted

Petitioner’s petition for a writ of certiorari, ordered briefing, and held oral argument. Ultimately, the Court dismissed the writ as improvidently granted, having the effect of affirming the court of appeals reversal of the verdict. Mr. Broom prevailed completely.

Rule 242(j), SCACR provides in relevant part, “[w]hen the decision of the Supreme Court has the effect of reversing the judgment of the lower court or tribunal which was on appeal, costs shall be assessed against the respondent before the Court of Appeals.” This Court’s decision has the effect of reversing the trial court’s decision because the court of appeals’ opinion remains in effect. Accordingly, because the trial court’s decision was reversed on appeal, Mr. Broom is entitled to costs and an attorney fee under Rule 242(j).<sup>1</sup> Mr. Broom is also entitled to recover costs and an additional attorney fee under Rule 222(b).

Accordingly, Mr. Broom respectfully requests an Order directing that the total amount set forth on the Itemized Statement of Costs attached, \$8,704.70, be added to the Remittitur.

Respectfully submitted,

January 31, 2024  
Columbia, SC

/s/ Matthew T. Richardson

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<sup>1</sup> The Court has previously awarded costs when dismissing the writ as improvidently granted. *See, e.g., Rosemary Connelly v. Winsor Custom Homes, LLC*, Appellate Case No. 2019-002046. Awarding costs following a dismissal as improvidently granted is consistent with the text of the rule, and it accounts for the time and expenses for drafting the briefs and arguing the case.

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