

The South Carolina Court of Appeals

Stephanie McAnuff, Appellant,

v.

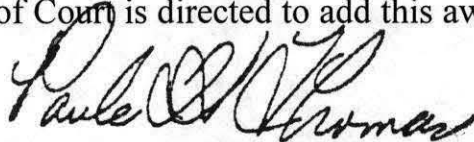
ASIP Town Park, LLC, Respondent.

Appellate Case No. 2023-000546

ORDER

On November 14, 2023, we dismissed this appeal as moot. After we denied the petition to reinstate, the case was remitted on March 25, 2024. Respondent has now filed a motion for costs pursuant to Rule 222 of the South Carolina Appellate Court Rules seeking to recover \$2,500 in attorney's fees and \$150 in costs. Respondent did not specify the source of the costs in its motion and Respondent's itemized statement did not list any costs other than attorney's fees. *See* Rule 222(b), SCACR (limiting the costs a party may recover); Rule 222(d), SCACR (stating a party seeking costs must submit an itemized statement of costs incurred).

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 c]ourt's discretion whether to award fees and costs under Rule 222"). The Darlington County Clerk of Court is directed to add this award of costs to the remittitur.



FOR THE COURT

Columbia, South Carolina

cc:
Stephanie McAnuff
Edward Andrew Love, Esquire
Scott B. Suggs

FILED
Apr 29 2024