

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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**Jun 10 2024**

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

S.C. SUPREME COURT

The Honorable Carmen T. Mullen  
Circuit Court Judge

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Case No. 2013-CP-07-01341

Appellate Case No. 2021-000625

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Road, LLC and Pinckney Point, LLC ..... Plaintiffs,

Of which Road, LLC is the ..... Petitioner,

v.

Beaufort County, a political subdivision of the State of  
South Carolina..... Respondent.

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**MOTION FOR FEES AND COSTS**

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Respondent Beaufort County (“Respondent”) hereby files this Motion for Fees and Costs pursuant to Rules 222 and 242 of the South Carolina Appellate Court Rules. Respondent moves this Court for an order taxing all recoverable costs and fees against Petitioner Road, LLC (“Petitioner”) as allowed by Rule 222(b) and Rule 242(j)(2), SCACR, in the above-captioned appeal.

The court of appeals affirmed the judgment of the circuit court in Opinion No. 5807 (S.C. Ct. App. filed Mar. 3, 2021) (Shearouse Adv. Sh. No. 7 at 26-36). Subsequently, this Court affirmed in result the judgment of the court of appeals in Opinion No. 28204 (S.C. Sup. Ct. filed May 15, 2024) (Howard Adv. Sh. No. 18 at 11-24). Accordingly, Respondent moves to have costs taxed against Petitioner herein. *See* Rule 242(j), SCACR (“Unless otherwise ordered by the

Supreme Court or agreed to by the parties, costs shall be assessed against the appellant if the decision of the Supreme Court has the effect of affirming the judgment of the lower court or tribunal which was reviewed by the Court of Appeals.”); *see also* Rule 222(a) (“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.”).

The Court issued its remittitur in this matter on June 3, 2024; therefore, this Motion is timely filed. A sworn, itemized statement of fees and costs incurred by Respondent is attached to this Motion as required by Rule 242(j)(4), SCACR.

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June 10, 2024