

The South Carolina Court of Appeals

Jefferson Davis, Jr., Appellant,

v.

Chad Connelly; Dave Wilson; Stephen Kirkland; Tom Persons; Neil Mellen; E3 Software, LLC; Endurance International Group Holdings, Inc; John Doe #1; John Doe #2; & John Doe 3-40, Respondents.

Appellate Case No. 2023-001623

ORDER

On March 6, 2024, this court granted Respondents' motion to dismiss because Appellant failed to timely serve Respondents with the orders on appeal and the orders on appeal were interlocutory and not directly appealable. No petition for rehearing was filed and the case was remitted on March 22, 2024. Respondents have now filed a motion for costs, pursuant to Rule 222, SCACR, seeking to recover \$2,500 in attorney's fees.

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 and the limited number of filings, the 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"). The Newberry County Clerk of Court is directed to add this award to the remittitur.



FOR THE COURT

Columbia, South Carolina

FILED
Jun 07 2024

cc:

Jefferson Davis, Jr.

M. Dawes Cooke, Jr., Esquire

Justin Paul Novak, Esquire

Douglas Walker MacKelcan, III, Esquire

Jessica Elizabeth Kinard, Esquire

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