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Sep 03 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
L. Casey Manning, Circuit Court Judge

Appellate Case No. 2021-000502  
Case No. 2017-CP-40-6773

Nancy Morris, as Personal Representative of the  
Estate of David Allan Woods, ..... Appellant,

v.

State of Fiscal Accountability Authority, South Carolina Insurance  
Reserve Fund, Andrew J. Bland, Richard T. Burkholder, Leemon  
E. Carner, Pricilla Bland, Jerry Speissegger Jr., ..... Defendants,

Of Whom Nancy Morris, as Assignee of Andrew J. Bland, PFC;  
Leemon E. Carner, PFC; Jerry Speissegger, Jr., PFC; Priscilla  
Garrett, SGT; and Richard T. Burkholder, SGT, is the ..... Appellant,

and

South Carolina Insurance Reserve Fund is the ..... Respondent.

**MOTION FOR COSTS ON APPEAL**

The Respondent South Carolina Insurance Reserve Fund moves this Court, pursuant to Rule 222(d), SCACR, to tax costs on appeal in the amount of \$2,591.00 against the Appellant Nancy Morris..

This motion is based on the grounds as set forth in the supporting memorandum filed herewith.

The requested costs on appeal are set forth in the Statement of Costs on Appeal which is filed herewith.

LINDEMANN LAW FIRM, P.A.

BY: s/ Andrew F. Lindemann  
ANDREW F. LINDEMANN #13030  
5 Calendar Court, Suite 202  
Post Office Box 6923  
Columbia, South Carolina 29260  
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*Counsel for Respondent  
South Carolina Insurance Reserve Fund*

September 2, 2024

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Garrett, SGT; and Richard T. Burkholder, SGT, is the ..... Appellant,

and

South Carolina Insurance Reserve Fund is the ..... Respondent.

**MEMORANDUM IN SUPPORT OF  
MOTION FOR COSTS ON APPEAL**

By its unpublished opinion filed July 31, 2024, the South Carolina Court of Appeals affirmed the lower court’s granting of summary judgment to the Respondent South Carolina Insurance Reserve Fund.

Rule 222(a), SCACR, provides that "[u]nless 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." Rule 222(a), SCACR. The Respondent, therefore, qualifies as the prevailing party in this appeal. As the prevailing party, the Respondent is entitled to an award of costs on appeal in accordance with Rule 222(b), SCACR, which includes the costs of printing the Final Brief of Respondent and the cost for the motion hearing transcript. The Respondent is also entitled to attorneys' fees in the amount of \$2,500.00, which is an amount set by order of the Supreme Court.

The filing of this motion is timely. The Remittitur was filed on August 16, 2024. This motion is filed within fifteen days of the issuance of the Remittitur, as required by Rule 222(d), SCACR.

As a result, the Respondent South Carolina Insurance Reserve Fund moves this Court, pursuant to Rule 222(d), SCACR, for costs on appeal in the amount of \$2,591.00 to be taxed against the Appellant Nancy Morris. The requested costs on appeal are set forth in the Statement of Costs on Appeal, which is also filed herewith.

Respectfully submitted,

LINDEMANN LAW FIRM, P.A.

BY: s/ Andrew F. Lindemann  
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*Counsel for Respondent  
South Carolina Insurance Reserve Fund*

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E. Carner, Pricilla Bland, Jerry Speissegger Jr., ..... Defendants,

Of Whom Nancy Morris, as Assignee of Andrew J. Bland, PFC;  
Leemon E. Carner, PFC; Jerry Speissegger, Jr., PFC; Priscilla  
Garrett, SGT; and Richard T. Burkholder, SGT, is the ..... Appellant,

and

South Carolina Insurance Reserve Fund is the ..... Respondent.

**CERTIFICATE OF SERVICE**

Pursuant to Section (d)(1) of the Supreme Court’s Order Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (As Amended April 24, 2024), the undersigned employee of Lindemann Law Firm, P.A., counsel for the Respondent South Carolina Insurance Reserve Fund, does hereby certify that service of the **Motion for Costs on Appeal, Memorandum in Support of Motion for Costs on Appeal**, and the **Statement of Costs on Appeal** was made upon all counsel of record by email only this the 3rd day of September 2024, as follows:

Harold C. Staley, Esquire  
Andrew W. Creech, Esquire  
Garrett B. Johnson, Esquire  
Elrod Pope Law Firm  
Email: [hstaley@elrodpope.com](mailto:hstaley@elrodpope.com)  
Email: [Acreech@elrodpope.com](mailto:Acreech@elrodpope.com)  
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*s/ Andrew F. Lindemann*



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\*Also Admitted in North Carolina

September 3, 2024

**RECEIVED**  
**Sep 03 2024**  
**SC Court of Appeals**

**Hand Delivered**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Email: [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

RE: Nancy Morris, as assignee of Andrew J. Bland, PFC; Leemon E. Carner, PFC; Jerry Speissegger, Jr., PFC; Priscilla Garret, SGT; and Richard T. Burkholder, SGT v. South Carolina Insurance Reserve Fund  
Appellate Case Number: 2021-000502  
Civil Action Number: 2017-CP-40-6773  
Claim Number: B5578  
Our File Number: 104.10332

Dear Ms. Kitchings:

Pursuant to Section (b)(2) the Supreme Court's Order Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (as amended April 26, 2024), please find enclosed for filing the **Motion for Costs on Appeal, Memorandum in Support of Motion for Costs on Appeal**, and the **Statement of Costs on Appeal** with regard to the above referenced appeal. By copy of this letter, I am serving copies on all counsel of record by email only pursuant to Section (d)(1) of the same Supreme Court Order.

The Respondent South Carolina Insurance Reserve Fund is exempt from the \$50.00 filing fee. Thank you for your assistance.

Sincerely,

LINDEMANN LAW FIRM, P.A.

Andrew F. Lindemann

AFL/jmb  
Enclosures

cc: Harold C. Staley, Esquire (w/ Enclosures, Via Email Only)  
Andrew W. Creech, Esquire (w/ Enclosures, Via Email Only)  
Garrett B. Johnson, Esquire (w/ Enclosures, Via Email Only)