

**RECEIVED**  
**Sep 13 2024**  
**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

The Honorable Daniel M. Coble, Circuit Court Judge

Appellate Case No. 2024-000347

Ramona D. Byers, as Personal Representative of the Estate of Mario Byers, Respondent,

v.

Greenville County and South Carolina Department of Corrections, Defendants,

of which South Carolina Department of Correction is the Appellant.

MOTION FOR COSTS

Kyle J. White (S.C. Bar No. 101426)  
Drew Bradshaw (S.C. Bar No. 100548)  
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*Attorneys for the Respondent*

Pursuant to Rule 222, S.C.A.C.R., Respondent Ramona D. Byers, as Personal Representative of the Estate of Mario Byers, by and through her undersigned counsel, moves for taxation of all costs permitted under Rule 222(b), S.C.A.C.R. against Appellant South Carolina Department of Corrections (“SCDC”). On March 1, 2024, the Honorable Daniel M. Coble denied SCDC’s Motion to Dismiss, Motion for Protective Order, and granted Respondent’s Motion to Compel discovery. On March 11, 2024, SCDC filed a Notice of Appeal regarding this Order. On March 15, 2024, this Court dismissed the appeal, finding that the underlying order is not immediately appealable. On March 28, 2024, SCDC submitted a Petition for Rehearing. On April 30, 2024, this Court denied SCDC’s Petition for Rehearing. On May 24, 2024, SCDC petitioned the South Carolina Supreme Court for a writ of certiorari. Respondent submitted a return to SCDC’s petition on June 24, 2024. On September 11, 2024, the South Carolina Supreme Court denied SCDC’s Petition for Writ of Certiorari. Remittitur was issued by this Court on September 12, 2024.

Pursuant to Rule 222(a), S.C.A.C.R., “[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.” Under Rule 222(b), S.C.A.C.R., among other costs, the prevailing party “shall be entitled to recover an attorney’s fee in an amount which shall be set by order of the Supreme Court.” By order dated January 17, 2018, the South Carolina Supreme Court set the amount of attorney’s fee under this Rule at \$2,500. Respondent has attached the affidavit required under Rule 222(d), S.C.A.C.R.

WHEREFORE Respondent Ramona D. Byers, as Personal Representative of the Estate of Mario Byers respectfully requests that costs be taxed against Appellant South Carolina Department of Corrections in the amount of \$2,500 in attorney’s fees.

September 13, 2024

/s/ James A. Bradshaw

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