

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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Oct 21 2024

S.C. SUPREME COURT

APPEAL FROM HORRY COUNTY
Court of Common Pleas

William H. Seals, Jr., Circuit Court Judge

Appellate Case No. 2023-001470

Logan Wood and Sarah Wood,.....Respondents,

v.

Horry County School District,Petitioner.

RESPONDENTS' MOTION FOR COSTS

Pursuant to Rules 222 and 242, SCACR, Respondents Logan Wood and Sarah Wood move the Court for an order awarding costs against Petitioner/Appellant Horry County School District. This motion is based on the Court's October 9, 2024 order dismissing the writ of certiorari as improvidently granted. This Court issued the remittitur on October 9, 2024, and this motion is timely filed under Rules 222(d) and 242(j).

Under Rule 242(j)(1), "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 . . . which was reviewed by the Court of Appeals." (emphasis added). The parties fully briefed this appeal in the Supreme Court and participated in oral argument. The Court's order, issued after oral argument, "has the effect of affirming the judgment of the lower court" because it makes final the Court of Appeals' decision that affirmed the lower court.

The costs allowed are “all those costs specified in Rule 222(b), to include the attorney’s fee provided by that rule” for the Court of Appeals. Rule 242(j)(2), SCACR. The moving party may also recover an additional attorney’s fee in the Supreme Court. *Id.*

The parties did not have an agreement about costs. A sworn itemized statement of costs is attached. The Respondents respectfully request that this Court award \$5,581.00 pursuant to Rules 222(b) and 242(j), SCACR.

October 21, 2024

Respectfully submitted,

s/Kathleen C. Barnes

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