

The South Carolina Court of Appeals

PlanetONE Packaging, LLC, Respondent,

v.

American Pharma Machinery, LLC, and Dorothy Pierce
a/k/a Dorothy Wells a/k/a Dorothy Aleweny a/k/a Queen
Dorothy Amolo, Defendants,

Of whom Dorothy Pierce a/k/a Dorothy Wells a/k/a
Dorothy Aleweny a/k/a Queen Dorothy Amolo is the
Appellant.

Appellate Case No. 2024-000334

ORDER

On March 28, 2024, we dismissed this appeal as untimely served. On June 14, 2024, we denied Appellant's petition for rehearing. Appellant then filed a petition for writ of certiorari in the supreme court, and Respondent filed a motion to dismiss. On October 3, 2024, the supreme court denied the petition. Also, on October 3, 2024, remittitur was sent. Respondent has now filed a motion for costs pursuant to Rule 222 of the South Carolina Appellate Court Rules seeking to recover \$2,500 in attorney's fees. Appellant filed a return, opposing Respondent's request.

After careful consideration, 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, this court exercises its discretion to award \$1,000 in attorney's fees. *See* Rule 222(b), SCACR (permitting an appellate court to award attorney's fees); *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 c]ourt's discretion whether to award fees and costs under Rule 222"). The Oconee County Clerk of Court is directed to add this award of costs to the remittitur.

A handwritten signature in black ink, appearing to read "Paul W. Thomas". The signature is fluid and cursive, with the first name "Paul" being more legible than the last name "Thomas".

FOR THE COURT

Columbia, South Carolina

cc:

Dorothy Pierce

John Patrick Bradley, Esquire

Christopher B. Major, Esquire

Melissa C. Burton

FILED
Nov 25 2024
