

The South Carolina Court of Appeals

Kevin White, as Personal Representative of the Estate of
Mary Brisbon, Respondent,

v.

St. George Healthcare, LLC, d/b/a St. George Healthcare
Center and Vicki Sides, Appellants.

Appellate Case No. 2024-000914

ORDER

Respondent moved to dismiss this appeal, for sanctions, and for attorney's fees and costs. Respondent argues this appeal is frivolous, has been taken solely for the purpose of delay, and is unsupported by precedent substantiating Appellants' arguments. Appellants filed a return, opposing dismissal, the imposition of sanctions, and the awarding of costs. Appellants argue the appeal is not frivolous and has not been taken for the purpose of delay. Appellants submit the one published case cited by Respondent either was wrongly decided or does not control the instant appeal. Respondent also filed a reply. After careful consideration, we deny Respondent's motion to dismiss. Further, we deny Respondent's motion for sanctions because we do not believe this appeal is frivolous or has been taken solely for the purpose of delay. *See* Rule 269, SCACR ("Where an appeal, petition, motion[,] or return is frivolous or taken solely for the purposes of delay, or is not in compliance with these Rules, the appellate court may upon its own motion or that of a party, after ten (10) days notice, impose upon offending attorneys or parties such sanctions as the circumstances of the case and discouragement of like conduct in the future may require."). To the extent Respondent requests attorney's fees and costs separate from its request for sanctions, we deny the request as premature. *See* Rule 222, SCACR ("A party desiring costs to be taxed shall, within fifteen (15) days of the issuance of the remittitur, serve and file a motion requesting that costs be assessed under this Rule.").


FOR THE COURT

Columbia, South Carolina

cc:

Lee Deer Cope, Esquire
Margie Bright Matthews, Esquire
Stephen Lynwood Brown, Esquire
Donald Jay Davis, Jr., Esquire
Matthew Oliver Riddle, Esquire
Ted Ashton Phillips, III, Esquire
Russell Grainger Hines, Esquire
John Elliott Parker, Jr., Esquire

FILED
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