

The South Carolina Court of Appeals

Nathaniel Coakley, Claimant, Appellant,

v.

Pilgrim's Pride Corp., Employer, and American Zurich
Ins. Co., Carrier, Respondents.

Appellate Case No. 2024-000607

ORDER

On December 13, 2024, we dismissed this appeal pursuant to Appellant's failure to comply with the court's order to serve and file his final brief and record on appeal. On December 31, 2024, the case was remitted. On January 31, 2024, Respondents filed a motion for costs pursuant to Rule 222, SCACR, seeking to recover \$9.54 in binding expenses, \$50 in filing fees, and \$2,500 in attorney's fees, for a total of \$2,559.54. Appellant did not file a return.

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 to Respondent. *See* Rule 222(b), SCACR (permitting an appellate court to award an attorney's fee and allowing the recovery of "the filing fee paid under Rule 203(d) [of the South Carolina Appellate Court Rules]"); *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 court's] discretion whether to award fees and costs under Rule 222").


FOR THE COURT

Columbia, South Carolina

FILED
Mar 04 2025

cc:

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