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Apr 29 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM SUMTER COUNTY
Court of Common Pleas

The Honorable R. Ferrell Cothran, Jr.
Circuit Court Judge

Civil Action No. 2020-CP-43-00734

Appellate Case No. 2024-001532

Ronald L. Jones, Appellant,

v.

Gary A. Jones, Sr., Becky J. Jones, Ima Lee Jones, and Shelley Allsbrooks, Respondents.

**RESPONDENTS'
MOTION TO TAX COSTS**

Respondents Gary A. Jones, Sr., Becky J. Jones, and Shelley Allsbrooks (collectively, “Respondents”), by and through the undersigned counsel, pursuant to Rule 222 of the South Carolina Appellate Court Rules, hereby move this Honorable Court for an Order taxing costs against Appellant Ronald L. Jones (hereinafter, “Appellant”). Respondents respectfully submit that they are entitled to the full amount of attorney’s fees afforded by Rule 222 in light of Appellant’s conduct throughout this litigation. Specifically, Appellant has now appealed (unsuccessfully) two separate interlocutory circuit court orders causing significant delay in bringing this case to justice, and Appellant still has not paid the costs that were awarded to Respondents by this Court approximately two years ago. The full amount of attorney’s fees

(\$2,500) is needed in this instance to deter this future conduct of Appellant. To be sure, Respondents have spent far too long participating in these frivolous appeals that exist solely for the purpose of delay.

Despite the underlying case being simple and straightforward, Appellant's recent trend to quickly appeal interlocutory orders has manufactured a somewhat tortuous appellate procedural history. Appellant filed and served his first Notice of Appeal to the Court of Appeals on October 8, 2021. On January 13, 2022, Appellant filed his Initial Brief and Designation of Matter. Respondents filed a Motion to Dismiss on February 4, 2022, contending the interlocutory matter was not immediately appealable. Appellant filed his Return to the Motion to Dismiss on February 14, 2022, and Respondents filed their Reply on February 18, 2022. The Court of Appeals granted Respondents' Motion and dismissed the appeal on March 14, 2022. Thereafter, Appellant filed his Petition for Rehearing on March 25, 2022, and the Court of Appeals denied the same by Order dated May 18, 2022. Appellant subsequently filed a Petition for Writ of Certiorari on June 15, 2022. Respondents filed their Return on July 11, 2022, and Appellant filed his Reply on July 20, 2022. The Supreme Court denied the Petition for Writ of Certiorari on April 18, 2023. The remittitur was sent to the circuit court on April 24, 2023. Respondents filed their Motion for Costs on April 23, 2023. This Court granted the motion in part on July 19, 2023, awarding \$1,500 in attorney's fees to Respondents. As noted above, the Court's ordered attorney's fee has not been paid by Appellant.

Not long after the case was remitted to the circuit court, Appellant filed his second Notice of Appeal on September 10, 2024. He filed an amended second Notice of Appeal the following day. Before Respondents could move to dismiss the improper appeal, this Court, *sua sponte*, requested the parties brief the issue of appealability. Respondents submitted their memorandum

on September 25, 2024. Appellant submitted his memorandum on October 3, 2024. This Court issued an Order dismissing the appeal on October 23, 2024. Appellant moved for reconsideration, and it too was denied. On January 29, 2025, Appellant filed his Petition for Writ of Certiorari. Respondents filed their Return on February 13, 2025. The Supreme Court denied the Petition on April 22, 2025. This Court issued the remittitur on April 23, 2025.

Rule 222(a) of the South Carolina Appellate Court Rules provides that “costs shall be taxed against the appellant when the appeal is dismissed or judgment on appeal is affirmed.” Here, Respondents are entitled to the full amount of attorney’s fees set forth in Rule 222(b). Respondents are cognizant that this Court has previously reduced this amount in light of cases being dismissed early in the appellate process. However, the full award is required here to deter Appellant’s tendency to unsuccessfully appeal interlocutory orders and in light of Appellant’s contemptuous conduct in ignoring this Court’s July 19, 2023 order awarding costs to Respondents in the first appeal. *See Austin v. Stokes-Craven Holding Corp.*, 406 S.C. 187, 199, 750 S.E.2d 78, 84 (2013) (explaining the award of fees and costs under Rule 222 is “within [the appellate] Court’s discretion”).

Accordingly, Respondents respectfully request that this Motion be granted.

(signature page to follow)

Respectfully submitted,

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PROOF OF SERVICE

I certify that a true copy of the Motion for Costs in this case has been served on the following, this 29th day of April, 2025, by emailing a copy to each attorney listed below using their primary email address listed in the Attorney Information System.

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