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Jun 16 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas
Benjamin H. Culbertson, Circuit Court Judge

Case No. 2022-CP-26-4440
Appellate Case No. 2023-000567

Redfin Corporation, Christine LeFont, Rodolfo A. Pisigan Jr., Portia O. Pisigan, Jeremy Pisigan,
and Cherry C. Pisigan, Defendants. Of Which Redfin Corporation is the Respondent.

Respondent,

v.

Hope Dukes and Nicole Dukes,
Appellants

MOTION TO DISMISS

The appellants move for an order dismissing the Motion for Costs for untimely filing. This court affirmed the judgment on appeal on May 7, 2025; the motion for costs was filed on June 4, 2025. According to the SC Judicial Branch, Rule Rule 222 (d), "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". Therefore, the motion for costs was filed untimely, as the Respondents did not file the motion for costs within the required fifteen (15) days.

The issues raised by Appellants on appeal were not baseless or dilatory but involved legitimate disputes over the interpretation and application of law. The appellants respectfully sought judicial review in good faith. Respondent's own actions contributed to the necessity of this appeal, and it would be inequitable to require Appellants to bear costs arising from those circumstances.

South Carolina follows the so-called "American rule" that each party shall bear and be responsible for its own attorney's fees, absent the application of some statute or signed contractual provision to the contrary. Defendant's Counterclaim sets forth neither statutory nor contractual provisions supporting its alleged entitlement to recovery of attorney's fees in this action. Furthermore, there exists no such statutory or contractual authority applicable to this matter allowing Defendant the recovery of attorney's fees in this action from Plaintiff. Additionally, Appellants respectfully request the Court deny it or require detailed justification before awarding any portion of it.

Finally, Hope Dukes has been deemed disabled by the Social Security Administration and Nicole Dukes is a United States Army 100 % Disabled War Veteran. Appellants face significant financial and personal hardship due to disability. Imposing appellate costs and attorney's fees under these circumstances would be inequitable and would create a disproportionate burden compared to the corporate respondent.

Based on the foregoing, Appellants respectfully requests an order dismissing the Respondent's Motion for Costs.

June 16, 2025

s/ Hope Dukes et al

Hope Dukes & Nicole Dukes
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PROOF OF SERVICE

The undersigned certifies that the Motion to Dismiss Costs by Hope and Nicole Dukes was served on Redfin Corporation, Christine LeFont, Rodolfo A. Pisigan Jr., Portia O. Pisigan, Jeremy Pisigan and Cherry C. Pisigan, Defendants. Of Which Redfin Corporation is the Respondent via U.S. mail delivery on June 16, 2025.



June 16, 2025 s/ Hope Dukes et al

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