

STATE OF SOUTH CAROLINA  
In the Supreme Court

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Aug 07 2025

S.C. SUPREME COURT

APPEAL FROM SALUDA COUNTY  
Court of Common Pleas

Alison Renee Lee, Circuit Court Judge

Appellate Case No. 2024-000836  
Memorandum Op. No. 2025-MO-038

Carr Farms, Inc. and Titan Farms, LLC,

Petitioners,

v.

Susannah Smith Watson, Carson M. Watson,  
and Jane Watson,

Respondents.

**MOTION FOR COSTS AND ATTORNEY'S FEES ON APPEAL  
PURSUANT TO RULES 222(d) AND 242(j)(4), SCACR  
AND SUPPORTING MEMORANDUM**

Pursuant to Rules 222(d) and 242(j)(4), SCACR, Respondents Susannah Smith Watson, Carson M. Watson, and Jane Watson move the Court for an award of costs and attorney's fees.

Respondents prevailed before the circuit court and Petitioners Carr Farms, Inc. and Titan Farms, LLC appealed. On March 20, 2024, the Court of Appeals affirmed the circuit court's judgment in its entirety. *Carr Farms, Inc. v. Watson*, 2024-UP-086 (S.C. Ct. App. filed March 20, 2024).

Petitioners sought a writ of certiorari for this Court to review the Court of Appeals' opinion and this Court granted the petition and issued the writ. The Court heard oral argument on June 25, 2025, and on July 30, 2025, the Court issued its opinion dismissing the writ of certiorari as improvidently granted. *Carr Farms, Inc. v. Watson*, 2025-MO-038 (S.C. Sup. Ct. filed July 30, 2025). This Court's order has the effect of affirming both the circuit court's judgment and the Court of Appeals' decision. On July 30, 2025, the Supreme Court Clerk's office issued the remittitur and returned the case to the circuit court.

Rule 222(a), SCACR, provides “[u]nless otherwise ordered by the appellate court or agreed by the parties, costs *shall* be taxed against the appellant when the ... judgment on appeal is affirmed.” (emphasis added). *See, e.g. Green v. Lewis Truck Lines, Inc.*, 314 S.C. 303, 443 S.E.2d 906 (1994) (in interpreting the language of a court rule, this Court applies the same rules of construction used in interpreting statutes); *Strickland v. Richland County Legislative Delegation*, 440 S.C. 438, 892 S.E.2d 288 (2023) (use of words such as “shall” or “must” in a statute indicates intent to enact a mandatory requirement). The costs permitted are outlined in Rule 222(b), SCACR, and Respondents have set them forth in the attached verified statement of costs and attorney's fees.

Pursuant to Rule 242(j)(1), SCACR, “[u]nless otherwise ordered by the Supreme Court or agreed to by the parties, costs *shall* be assessed against the appellant if the decision of the Supreme Court has the effect of affirming the judgment of the lower court or tribunal which was reviewed by the Court of Appeals.” (emphasis added). The costs permitted are outlined in Rule 242(j)(2), SCACR, and Respondents have set them forth in the attached verified statement of costs and additional attorney's fees.

Accordingly, Respondents request that the Court grant this Motion for Costs and Attorney's Fees on Appeal as set forth in the attached verified statement of costs and attorney's fees in the amount of \$ 5,140.57.

Respectfully submitted,

/s/ John S. Nichols

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