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**Sep 04 2025**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
In the Supreme Court

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APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

J. Derham Cole, Circuit Court Judge

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Appellate Case No. 2023-001529  
Op. No. 2025-UP-284

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Zachary Leland Moody and Kristina L. Moody, Appellants,

v.

Gabriela B. Lopez, etc., et al., Defendants,

Of Which

ServPro of Pickens County d/b/a Blue Moon Enterprises, Inc.  
and TCT1, LLC d/b/a Keller Williams Western Upstate are Respondents.

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

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Pursuant to Rule 222(d), SCACR, Respondent TCT1, LLC d/b/a Keller Williams Western Upstate moves the Court for an award of costs and attorney's fees.

Respondents prevailed before the circuit court and Petitioners Zachary Leland Moody and Kristina L. Moody appealed. This Court heard oral arguments on April 17, 2025, and on August 6, 2025, the Court issued its opinion affirming the circuit court's judgment in its entirety.

*Moody v. Lopez*, 2025-UP-284 (S.C. Ct. App. filed Aug. 6, 2025). This Court’s order has the effect of affirming the circuit court’s judgment.

Respondents did not seek rehearing or further review and on August 22, 2025, the Clerk issued the remittitur to the trial 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, the Appellate 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.

Accordingly, Respondent TCT1, LLC d/b/a Keller Williams Western Upstate requests 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 \$ 3,135.23.

Respectfully submitted,

September 4, 2025

/s/ John S. Nichols  
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Attorneys for Respondent  
ServPro of Pickens County

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IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Derham Cole, Circuit Court Judge

---

Appellate Case No. 2023-001529  
Trial Court Case No. 2020-CP-23-02297

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Zachary Leland Moody and Kristina L. Moody,.....Appellants,

v.

Gabriela B. Lopez a/k/a Gabriela Baltazar Lopez-Guiterrez, an individual, Leopoldo Vera Hernandez, an individual, Santa Fe Construction, LLC, Juan Carlos Maldonado, an individual, ServPro of Pickens County d/b/a Blue Moon Enterprises, Inc., Scott D. Caufield, an individual, Keller Williams Western Upstate, The Haro Group of Keller Williams, Creasy Construction, LLC, Harry James Creasy, an individual, and John Allen Drew, an individual,.....Defendants

of which ServPro of Pickens County d/b/a Blue Moon Enterprises, Inc. and TCT1, LLC d/b/a Keller Williams Western Upstate., are the..... Respondents.

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**PROOF OF SERVICE**

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I certify that I have served a copy of the *Motion for Cost* on counsel for the Appellants and counsel for Respondent ServPro as indicated herein below, by emailing a copy of the same on September 4, 2025, by address as follows:

Townes B. Johnson, III  
[tjohnson@sc.legal](mailto:tjohnson@sc.legal)  
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Lyles & Associates, LLC  
2113 Middle Street  
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Sullivan's Island, SC 29482

September 4, 2025



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Meredith Brown, Legal Assistant  
to John S. Nichols

## Meredith Brown

---

**From:** Meredith Brown  
**Sent:** Thursday, September 4, 2025 11:30 AM  
**To:** filing.sc.legal@gmail.com; cthorndike@sc.legal; rtl@lylesfirm.com; Allen DuPre  
**Cc:** John Nichols; Daniel Draisen  
**Subject:** Case No.: 2023-001529- Moody v ServPro (Lopez)- Motion for Costs  
**Attachments:** 2025.09.04- Motion for Costs.pdf

**Categories:** Smokeball

Dear Counsel,

Please find enclosed for filing the Motion of Costs with Statement, in regards to the above-referenced matter.

Thank you,  
Meredith



**MEREDITH BROWN OFFICE MANAGER &  
LEGAL ASSISTANT TO JOHN S. NICHOLS**

1614 TAYLOR STREET | PO BOX 7965  
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September 4, 2025

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**SC Court of Appeals**

**VIA HAND DELIVERY**

The Hon. Jenny A. Kitchings  
Clerk of the Court of Appeals  
Court of Appeals of South Carolina  
1220 Senate Street  
Columbia, SC 29201  
[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

RE: Zachary Leland Moody and Kristina L. Moody v. Gabriela B. Lopez et al.  
Appellate Case No.: 2023-001529

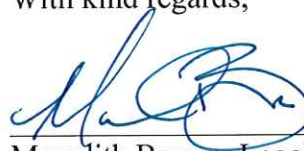
Dear Ms. Kitchings:

I have enclosed for filing the Motion for Costs in the above-mentioned matter. I have also enclosed a Proof of Service upon counsel regarding the same.

A check in the amount of \$50.00 will be placed in the USPS mail this evening, to be delivered to the South Carolina Court of Appeals within five (5) business days.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions or need any additional information.

With kind regards,



Meredith Brown, Legal Assistant  
to John S. Nichols, Esq.

cc: John S. Nichols, Esq. ([john@bluesteinattorneys.com](mailto:john@bluesteinattorneys.com))  
Daniel Draisen, Esq. ([daniel@injuredsc.com](mailto:daniel@injuredsc.com))  
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