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Sep 24 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM FLORENCE COUNTY
Court of Common Pleas

H. Steven DeBerry, IV, Circuit Court Judge

Case No.: 2020-CP-21-01817

Appellate Case No.: 2023-001713

Barbara L. SarbRespondent/Appellant,

v.

Julie W. Phillips and Joseph M. PhillipsAppellants/Respondents.

**APPELLANTS/RESPONDENTS MOTION FOR COSTS, PURSUANT TO RULE 222,
SCACR**

s/ Edward A. Love
EDWARD A. LOVE
Post Office Box 1764
135 South Dargan Street, Suite 201
Florence, SC 29503
(843) 407-5525 – Tel
Attorney for
Appellants/Respondents

Appellants/Respondents hereby move this honorable court for the award and taxation of fees and costs against Respondent/Appellant pursuant to the following:

**RULE 222
COSTS ON APPEAL**

(a) To Whom Allowed. 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. When a judgment is reversed, costs shall be taxed against the respondent unless the court orders otherwise. When an appeal is affirmed or reversed in part or is vacated, costs shall be allowed only as ordered by the appellate court.

(b) Costs Allowed. The party entitled to recover costs under this rule may, to the extent the party actually incurred these costs, recover the following: (1) the filing fee paid under Rule 203(d); (2) the cost of the court reporter's transcript; (3) premiums paid for costs of supersedeas bonds or other bonds obtained to preserve rights pending appeal; (4) the cost of printing the Record on Appeal under Rule 209; and (5) the cost of printing the party's final brief(s) under Rule 210. In addition, the party shall be entitled to recover an attorney's fee in an amount which shall be set by order of the Supreme Court. The allowance of additional costs will generally not be allowed except in the most extraordinary of circumstances.

(c) Costs for Printing Irrelevant Matter. A party who has unjustifiably designated irrelevant matter to be included in the Record on Appeal shall not be entitled to tax the cost of printing this matter in the Record on Appeal. Further, a party not otherwise entitled to costs under this Rule shall be entitled to collect the cost the party incurred for printing irrelevant matter which another party unjustifiably designated to be included in the Record on Appeal.

(d) Motion for Costs. 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. The motion shall comply with Rule 240. If costs are being sought under (b) above, the motion shall be accompanied by a sworn, itemized statement of costs incurred in the form prescribed in the Appendix to these rules. Any return or reply to the motion shall be served and filed in the manner provided by Rule 240. The return may oppose the request for costs or seek a reduction of the amount of costs to be awarded. The remittitur shall not be stayed by the filing of a motion for costs.

(e) Taxation. Costs on appeal shall be taxed only in the appellate court. If costs are taxed, they shall become part of the judgment of the appellate court and shall be added to the remittitur. If a petition for a writ of certiorari is sought under Rule 242, the Court of Appeals shall tax costs only in those cases in which the petition

for a writ of certiorari is denied. In all cases in which a writ of certiorari is granted, costs shall be awarded in the manner provided by Rule 242(j).

(f) Applicability. This Rule does not apply to criminal cases or post-conviction relief cases.

In the Court's opinion of August 27, 2025, the Appellate Court considered and ruled on two main issues: 1) the verdict awarded by the jury and 2) the fees awarded by the court. Appellants/Respondents, in their initial brief, raised, briefed and argued against the award of fees to Respondent/Appellant as the fees sought were over three times the verdict awarded at trial; making the issue paramount to Appellants/Respondents appeal. The Court of Appeals reversed the fee award and has remanded the issue to the trial court. If nothing more, the Appellants/Respondents successfully appealed and successfully defended the cross-appeal concerning the issue of fees awarded to Respondent/Appellant. As such Appellants/Respondents fairness would dictate that Appellants/Respondents be awarded fees and costs as set forth in the attached for a total amount of \$9,778.88.

September 24, 2025

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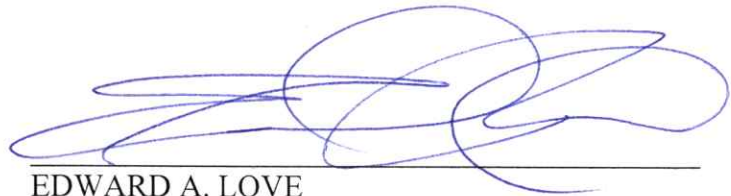
AFFIDAVIT IN SUPPORT OF MOTION FOR FEES

The following costs are taxable against Respondent/Appellant pursuant to Rule 222, SCACR:

1) Filing Fee (SCACR 203(d))	\$250.00
2) Trial Transcript (Part 1)	\$420.75
3) Trial Transcript (Part 2)	\$2,448.00
4) Record on Appeal (initial copy)	\$198.11
5) Record on Appeal (add'l copies)	\$1,386.77
6) Reproduction Final Briefs (301pp x \$.25)	\$75.25
7) Fees	\$5,000.00

TOTAL: \$9,778.88

FURTHER YOUR AFFIANT SAITH NOT.



EDWARD A. LOVE

SWORN to before me this

24th day of September 2025.

Wendy R Lee
Notary Public for South Carolina
My Commission Expires: 10/25/2028

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PROOF OF DELIVERY

The undersigned hereby certifies that on September 24, 2025:

APPELLANTS/RESPONDENTS MOTION FOR COSTS

was served on counsel for Respondent/Appellant by electronic means to the following addresses:

Valerie G. Giovanoli, S.C. Bar No. 102524

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s/Edward A. Love

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ATTORNEYS FOR

APPELLANTS/RESPONDENTS

September 22, 2025