

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

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APPEAL FROM THE FLORENCE COUNTY  
COURT OF COMMON PLEAS

The Honorable H. Steven DeBerry, IV  
Civil Action Number: 2020CP2101817

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Appellate Case No.: 2023-001713

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**RECEIVED**  
**Oct 01 2025**  
**SC Court of Appeals**

Barbara L. Sarb .....Respondent/Appellant,

vs.

Julie W. Phillips and Joseph M. Phillips .....Appellant(s)/Respondent(s).

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**RESPONDENT/APPELLANT’S RESPONSE TO APPELLANTS/RESPONDENTS’  
MOTION FOR COSTS, PURSUANT TO RULE 222, SCACR**

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Valerie Garcia Giovanoli (SC Bar No. 102524)  
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Respondent/Appellant Barbara L. Sarb (“Buyer”) respectfully submits this Response to the Motion for Costs (the “Motion”) filed by Appellants/Respondents (“Sellers”), pursuant to Rule 222, SCACR, and states as follows: On September 24, 2025, in their Motion, Sellers stated that they “successfully appealed and successfully defended the cross-appeal concerning the issue of fees awarded to Respondent/Appellant.” We submit that this is an inaccurate understanding of the Court’s ruling.

Sellers made several arguments on appeal that were ultimately unsuccessful. In the consolidated appeals and cross appeals, the Sellers argued that the trial court abused its discretion in awarding *any* fees and costs to Buyer because she was not the “prevailing party.” (App/Resps’ Br. Section II(A) & (B)). On that issue, the Court agreed with Buyer and held that the trial court did not err in awarding Buyer’s attorney’s fees and costs. This Court affirmed Buyer was entitled to a fee and cost award. Likewise, Buyer argued that the trial court abused its discretion in awarding Sarb insufficient attorney’s fees and costs, because its determination was arbitrary and not based on any logic or reason. (Resp/App’s Br. Section III(A)). This Court agreed and remanded the issue of the amount of attorney’s fees and costs back to the trial court to redetermine an appropriate attorney fee and cost award, supported by evidence and specific findings.

Because Sellers were unsuccessful on all issues in this appeal, this Court should not award Sellers any fees or costs.

October 1, 2025  
Columbia, SC 29209

Respectfully submitted,  
*s/ Valerie Garcia Giovanoli*  
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SC Court of Appeals

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Barbara L. Sarb .....Respondent/Appellant,

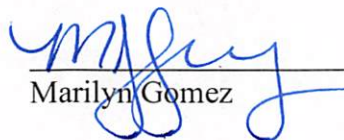
vs.

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

**PROOF OF SERVICE**

I hereby certify that on October 1, 2025, I served Respondent/Appellant’s Response to Appellants/Respondents’ Motion for Costs, Pursuant to Rule 222, SCACR upon counsel for Appellants/Respondents by delivering a copy of same by electronic service to the primary e-mail addresses listed in the Attorney Information System (AIS) as follows:

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