



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
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January 21, 2026

The Honorable Leah Guerry Dupree
PO Box 219
Moncks Corner SC 29461

REMITTITUR

Re: Rita R. Greenawalt v. Nissan North America, Inc.
Lower Court Case No. 2020CP0802455
Appellate Case No. 2023-001124

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

A handwritten signature in blue ink that reads "Jay A. Kitching".

CLERK

Enclosure

cc: Ashia Bre'ana Crooms-Carpenter, Esquire
Sarah Theresa Eibling, Esquire
Scott Douglas MacLatchie, Jr., Esquire
C. Steven Moskos, Esquire
Blake Terence Williams, Esquire



Brooks Roberts Fudenberg, Esquire
The Honorable Roger M. Young, Sr.

RECEIVED

Jan 16 2026

SC Court of Appeals

The Supreme Court of South Carolina

Rita R. Greenawalt and James M. Greenawalt,
Petitioners,

v.

Nissan North America, Inc., Respondent.

Appellate Case No. 2025-001946

ORDER

Based on the vote of the Court, the petition for a writ of certiorari is denied.

FOR THE COURT

BY Patricia A. Howard
CLERK

Columbia, South Carolina
January 16, 2026

cc:

C. Steven Moskos
Brooks Roberts Fudenberg
Ashia Bre'ana Crooms-Carpenter
Sarah Theresa Eibling
Scott Douglas MacLatchie, Jr.
Blake Terence Williams
The Honorable Jenny Abbott Kitchings



The South Carolina Court of Appeals

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August 22, 2025

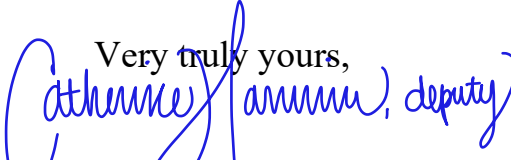
Mr. C. Steven Moskos, Esquire
6650 Rivers Ave
Suite 210
North Charleston SC 29406

Mr. Brooks Roberts Fudenberg, Esquire
14 Ashe St
Charleston SC 29403

Re: Rita R. Greenawalt v. Nissan North America, Inc.
Appellate Case No. 2023-001124

Dear Counsel:

Enclosed is a copy of an order of the panel denying your petition for rehearing. Your petition for rehearing en banc was distributed to the judges, but it has been rejected. *See* Rule 219, SCACR.

Very truly yours,

CLERK

cc: Ashia Bre'ana Crooms-Carpenter, Esquire
Sarah Theresa Eibling, Esquire
Scott Douglas MacLatchie, Jr., Esquire
Blake Terence Williams, Esquire

The South Carolina Court of Appeals

Rita R. Greenawalt and James M. Greenawalt,
Appellants,

v.

Nissan North America, Inc., Respondent.

Appellate Case No. 2023-001124

ORDER

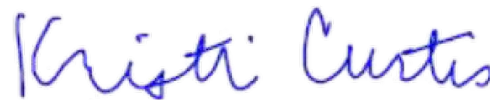
After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.



J.



J.



J.

Columbia, South Carolina

cc:

Ashia Bre'ana Crooms-Carpenter, Esquire

Sarah Theresa Eibling, Esquire

Scott Douglas MacLatchie, Jr., Esquire

C. Steven Moskos, Esquire

Blake Terence Williams, Esquire
Brooks Roberts Fudenberg, Esquire
Leah Guerry Dupree
The Honorable Roger M. Young, Sr.

FILED
Aug 22 2025

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Rita R. Greenawalt and James M. Greenawalt,
Appellants,

v.

Nissan North America, Inc., Respondent.

Appellate Case No. 2023-001124

Appeal From Berkeley County
Roger M. Young, Sr., Circuit Court Judge

Unpublished Opinion No. 2025-UP-173
Submitted March 3, 2025 – Filed May 28, 2025

AFFIRMED

C. Steven Moskos, of C. Steven Moskos, PA, of North
Charleston, and Brooks Roberts Fudenberg, of Law
Office of Brooks R. Fudenberg, LLC, of Charleston, both
for Appellants.

Sarah Theresa Eibling, Blake Terence Williams, and
Scott Douglas MacLatchie, Jr., all of Columbia; and
Ashia Bre'ana Crooms-Carpenter, of Charlotte, NC, all of
Nelson Mullins Riley & Scarborough, LLP, for
Respondent.

PER CURIAM: This appeal is about an award of attorney's fees. Appellants brought claims against Nissan North America, Inc., under several consumer protection statutes. The claims arose out of the purchase of an automobile.

The parties ultimately reached a settlement that required Nissan to repurchase the vehicle, stipulated Appellants were prevailing parties, and submitted the issue of attorney's fees to the circuit court. Appellants initially sought about \$97,000 in fees based on the number of hours devoted to the case, but through the process of briefing and arguing the fee request in the circuit court, the requested hourly fees increased to \$131,000. On top of that, Appellants proposed a 1.5 multiplier, bringing the total fee request to roughly \$197,000.

The circuit court awarded \$75,000 in fees. Appellants concede the court performed the appropriate legal analysis up until the portion of the order reducing the award. Appellants argue this was error because they are statutorily entitled to all hours "actually expended," or "full compensation." We respectfully disagree and affirm.

The determination of a reasonable fee award "generally rests within the circuit court's discretion, and we will not disturb an award absent an abuse of discretion." *Brawley v. Richland County*, 445 S.C. 80, 94, 911 S.E.2d 156, 163 (Ct. App. 2025); *see also Layman v. State*, 376 S.C. 434, 444, 658 S.E.2d 320, 325 (2008) ("[T]he specific amount of attorneys' fees awarded pursuant to a statute authorizing reasonable attorneys' fees is left to the discretion of the trial judge and will not be disturbed absent an abuse of discretion."). "An abuse of discretion occurs when the conclusions of the trial court are either controlled by an error of law or are based on unsupported factual conclusions." *Layman*, 376 S.C. at 444, 658 S.E.2d at 325.

Appellants argue, among other things, the federal Warranty Act and state Lemon Law each mandate a fee award be "based on actual time expended" and that they were therefore entitled to *all* hours submitted in this case unless Nissan demonstrated certain time included in the request was clearly unrelated. We disagree. First, all of the statutes involved, including the federal Warranty Act and state Lemon Law, require a fee award to be *reasonable*. *See* S.C. Code Ann. § 56-15-110(1) (2018) (providing for "reasonable attorney's fee[s]"); S.C. Code Ann. § 39-5-140(a) (2023) (providing for an award of "reasonable attorney's fees and costs"); S.C. Code Ann. § 56-28-50(D) (2018) (allowing, in the court's discretion, an award of attorney's fees "based on actual time expended" but "determined by the court to have been reasonably incurred"); 15 U.S.C.A. § 2310(d)(2) (West) (same as section 56-28-50(D)). Second, we have not located a mandate in any statute or precedent

requiring a circuit court to fully award the amount of attorney's fees requested via a submission of hours. Precedent explains, "The award of attorney's fees is made to the party, not his lawyer." *Jackson v. Speed*, 326 S.C. 289, 307, 486 S.E.2d 750, 759 (1997). And though looking at the hours expended multiplied by the attorney's rate may be a "useful starting point," *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983), that number is only part of the analysis, not the end of the analysis.

As our supreme court has explained, "the overriding benchmark for awards of attorneys' fees . . . is that attorneys' fees must be 'reasonable.'" *Layman*, 376 S.C. at 455, 658 S.E.2d at 331. And so, as long as "a trial court's decision is made on a sound evidentiary basis and is adequately explained with specific findings—as the law requires—we [will] defer to the trial court's discretion." *Horton v. Jasper Cnty. Sch. Dist.*, 423 S.C. 325, 331, 815 S.E.2d 442, 445 (2018); *see also Fox v. Vice*, 563 U.S. 826, 838 (2011) (finding it proper for trial courts to "take into account their overall sense of a suit, and . . . use estimates in calculating and allocating an attorney's time"). Here, we read the circuit court's order as explaining the court found \$75,000 to be a reasonable amount of fees based on the history of the case, the ultimate outcome, and the purpose of the statutes—to protect consumers and, in Appellants' own words, "reduce the problem of businesses not playing fair." It is evident the circuit court considered the hours expended, and we are not aware of any authority precluding the circuit court from determining that a lower fee is reasonable. Because we find the circuit court's analysis and decision more than sufficient to satisfy the discretionary standard described above, we affirm.

We believe this analysis controls all of Appellants' remaining arguments with the exception of the argument that the circuit court erred in citing federal caselaw when the court denied their motion to reconsider. We do not wish to minimize the error of applying an incorrect standard to a motion to reconsider, but the motion occurred after a hearing, extensive briefing, and was nothing more than a request that the court reconsider arguments the court had already evaluated in detail. The order denying reconsideration expressly noted that the court considered the issues in Appellants' motion. We have no doubt that the highly experienced and extremely capable circuit court judge felt free to modify the award if he believed a modification was warranted, and given the thorough analysis in the original order and our agreement with that analysis, we conclude the citation of federal cases does not warrant reversal. *See Judy v. Judy*, 384 S.C. 634, 646, 682 S.E.2d 836, 842 (Ct. App. 2009) ("Generally, appellate courts will not set aside judgments due to insubstantial errors not affecting the result.").

AFFIRMED.¹

THOMAS, HEWITT, and CURTIS, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.