

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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S.C. SUPREME COURT

APPEAL FROM YORK COUNTY
Daniel D. Hall, Circuit Court Judge

Appellate Case No. 2025-000563
Case No. 2016-CP-46-3181

Rita Pratt, Individually and as the Personal Representative of the Estate
of William Pratt, Deceased, Respondent,

v.

Amisub of South Carolina, Inc. d/b/a Piedmont Medical Center; Jaleesa
Heyward, RN; South Carolina Emergency Physicians, LLC; Jonas Varaly,
DO; Rock Hill Radiology Associates, LLC; and Geoffrey T. Gilleland,
MD, Defendants,

Of Which, Rock Hill Radiology Associates, LLC, and Geoffrey T.
Gilleland, MD are Petitioners.

**PETITIONERS' RETURN TO RESPONDENT'S
MOTION FOR COSTS**

The Respondent has filed a Motion for Costs wherein she seeks a total of \$5,000 in attorney's fees, including \$2,500 pursuant to Rule 222(b), SCACR, and an additional \$2,500 pursuant to Rule 242(j)(2), SCACR. The Petitioners do not contest the claim for attorney's fees pursuant to Rule 222(b). However, the Petitioners submit that the Respondent is not entitled to the \$2,500 in attorney's fees pursuant to Rule 242(j)(2).

On March 4, 2026, this Court dismissed the writ of certiorari as improvidently granted. The Court thus did not issue a decision on the merits. In *Hollins v. Wal-Mart, Inc.*, 392 S.C. 313, 709 S.E.2d 625 (2011), this Court ruled that “a dismissal of a writ of certiorari as improvidently granted is *equivalent to the denial of a petition for a writ of certiorari* since both dispositions indicate this Court has determined there is no need to discuss or further review the merits of the case.” 709 S.E.2d at 626. (Emphasis added). See also, *Stogsdill v. South Carolina Dept. of Health and Human Services*, 415 S.C. 568, 784 S.E.2d 669 (2016). The Appellate Court Rules do not allow for an award of costs where a petition for writ of certiorari is denied. See, Rule 242(j), SCACR.¹

Thus, because the dismissal of a writ of certiorari as improvidently granted is the equivalent to the denial of a petition for a writ of certiorari, for which costs may not be awarded, the prevailing party in the Court of Appeals should be entitled only to the costs that are awardable under Rule 222(b) and not those recoverable under Rule 242(j)(2). For that reason, the Court is respectfully requested to limit the award attorney’s fees as part of the costs on appeal to \$2,500.

Respectfully submitted,

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¹ In *Rivero v. Loftis*, Appellate Case No. 2019-000535, the respondent made a motion to recover a total of \$5,000 in attorney’s fees when she prevailed in the Court of Appeals and later this Court dismissed a writ of certiorari as improvidently granted. By Order entered November 25, 2020, this Court awarded only a total of \$2,500 in attorney’s fees. (See attached).

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March 26, 2026