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**May 11 2026**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM THE COURT OF APPEALS SITTING AS THE REVIEWING AUTHORITY  
AND FROM THE SOUTH CAROLINA FAMILY COURT  
The Honorable Chief Judge H. Bruce Williams

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Appellate Court Case No. 2026-000477  
Reviewing Authority Case No. 2023-001376  
Related Family Court Case No. 2022-DR-10-3072

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Justin McGee. ....Appellant,

v.

Lindsay F. McGee.....Respondent.

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**LINDSAY F. MCGEE’S MOTION FOR TAXATION OF COSTS AND ATTORNEY’S  
FEES**

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**BACKGROUND**

Pursuant to Rule 222(e), SCACR, Respondent Lindsay McGee (“Wife”) seeks an award of costs and attorney’s fees in this matter following the denial of the petition for writ of certiorari filed by Appellant Justin McGee (“Husband”) to the South Carolina Supreme Court in this matter.

On February 20, 2026, Husband filed a Petition for a Writ of Certiorari. February 20, 2026 Petition for Writ of Certiorari, *McGee v. McGee*, Case No. 2023-001376 (S.C. Ct. App.). By Order dated April 1, 2026, Husband’s Petition for Writ of Certiorari was denied. The Court’s Order denying Husband’s Petition is filed in Case No. 2026-000477 (the “Supreme Court Petition Matter”). April 1, 2026 Order, *McGee v. McGee*, Case No. 2026-000477 (S.C. Ct.).

The Clerk has not yet issued a Remittitur in the Supreme Court Petition Matter or the Reviewing Authority Matter in which the Petition for Certiorari was filed (Case No. 2023-001376). However, on April 24, 2026, the Clerk for the Court of Appeals sent a Remittitur in a separate appeal involving matters from Case No. 2023-001376 (Court of Appeals Case No. 2026-000472). Because this Motion is filed before a remittitur in the present matter (to the extent any such remittitur is to be filed), and because it is timely filed in relation to the remittitur filed in Case No. 2026-000472, this Motion is timely filed pursuant to Rule 222(d), SCACR.

### **GROUND FOR MOTION**

Rule 222(e), SCACR provides that “[i]f 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.”

Pursuant to Rule 222(b), the party entitled to costs may recover:

(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.

Pursuant to Supreme Court Order dated January 17, 2018, the amount a party may recover for “attorney's fee under Rule 222(b) of the South Carolina Appellate Court Rules is hereby increased to \$2,500.” Order Re: Attorney's Fees Under Rules 222 and 242 of the South Carolina Appellate Court Rules (S.C. S.Ct. dated January 17, 2018).

Here, the Court has denied Husband's Petition for Writ of Certiorari, and Respondent is entitled to taxation of costs under Rule 222(e), SCACR.

Wife seeks to recover only those costs actually incurred in the categories permitted by Rule 222(b) as set forth in the accompanying Statement of Costs. All costs requested were actually incurred by Wife in opposition to Husband's Petition for Certiorari.

Moreover, the costs and fees Wife seeks to recover here are not duplicative of the costs and fees Wife seeks in relation to the Court of Appeals' dismissal of the appeal in Case No. 2026-000472.<sup>1</sup> This present case involved improper efforts by Husband to appeal an interlocutory suppression order by the Court of Appeal, forcing Wife to defend, among other things, separate petitions by Husband for rehearing and rehearing en banc and a Petition for Writ of Certiorari. Separately, in Case No. 2026-000472, Wife was forced to defend against a separate appeal to the Court of Appeals and a motion to certify that appeal directly to the South Carolina Supreme Court. Thus, Wife has litigated two efforts by Husband to appeal this matter, and her separate motions for costs and fees, one under Rule 222(a) and one under Rule 222(e), and which motions separate costs and are not duplicative, are proper.

This Motion is drafted under Rule 240, SCACR and is accompanied by the filing fee required by Rule 240(d).

### **CONCLUSION**

For these reasons, Wife respectfully requests that this Court enter an Order taxing costs, including the attorney's fee pursuant to Rule 222(b), SCACR, and adding the taxed costs to the remittitur, pursuant to Rule 222(e), SCACR.

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<sup>1</sup> Wife requests costs and fees in this matter pursuant to Rule 222(e), SCACR. Separately, and pursuant to a different rule subsection (Rule 222(a), SCACR), Wife has requested costs and fees in Case No. 2026-000472. Specifically, Rule 222(e) provides that Wife is entitled to taxation of costs in the case in which the petition for writ of certiorari is denied (e.g., this Supreme Court Petition Matter, Case No. 2026-000477). Separately, Rule 222(a) SCACR provides for costs in a case in which an appeal is dismissed (i.e., Case No. 2026-000472).

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MCGEE**

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**PROOF OF SERVICE OF LINDSAY F. MCGEE’S MOTION FOR TAXATION OF  
COSTS AND ATTORNEY’S FEES**

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I certify that on May 11, 2026, I served Lindsay F. McGee’s Motion for Costs and supporting Statement of Costs in Case No. 2026-000477 on Justin McGee and on Guardian Ad Litem Elizabeth J. Stringer by email addressed as set forth below:

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