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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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ON APPEAL FROM THE REVIEWING AUTHORITY  
The Honorable Chief Judge H. Bruce Williams

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Appellate Court Case No. 2026-000472  
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(a), SCACR, Respondent Lindsay McGee (“Wife”) seeks an award of costs and attorney’s fees in this matter following the dismissal of the appeal of Appellant Justin McGee (“Husband”) to the Court of Appeals in this matter, Case No. 2026-000472 (the “Court of Appeals Matter”).

On February 20, 2026, Husband filed a Notice of Appeal of several orders in the Court of Appeals Matter. February 20, 2026 Notice of Appeal, *McGee v. McGee*, Case No. 2026-000472 (S.C. Ct. App.).

By Order dated March 31, 2026, Husband’s appeal in the Court of Appeals Matter was subsequently dismissed by the Court of Appeals based on a finding that the orders Husband attempted to appeal were “interlocutory and not immediately appealable.” March 31, 2026 Order,

*McGee v. McGee*, Case No. 2026-000472 (S.C. Ct. App.). A separate Motion to Certify the Court of Appeals Matter to the South Carolina Supreme Court was denied on April 1, 2026.

On April 24, 2026, the Clerk for the Court of Appeals sent a Remittitur in this matter. This Motion is timely filed pursuant to Rule 222(d), SCACR.

### **GROUND FOR MOTION**

This Motion for Costs is governed by Rule 222(a), SCACR, which provides that “[u]nless 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.”

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 dismissed Appellant’s appeal, and Respondent is entitled to taxation of costs. Husband appealed matters that were not appealable, and which appeal was procedurally improper, including because Husband sought to appeal interlocutory matters involving pre-trial suppression of evidence arising out of a family court action. Among other things, Husband’s improper appeal caused Wife to incur costs and fees, including in responding to address appealability. *See, e.g.*, Letter from S.C. Ct. App. To Counsel Requesting Briefing on Appealability, *McGee v. McGee*, Case No. 2026-000472 (S.C. Ct. App. dated Mar. 10, 2026).

Wife seeks to recover only those costs actually incurred in the Court of Appeals Matter and 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 the defense of the Court of Appeals Matter.

Moreover, the costs and fees Wife seeks to recover here are not duplicative of the costs and fees Wife seeks in relation to the Supreme Court's denial of the Petition for Certiorari filed by Husband (Appellate Case No. 2026-000477), which involved separate improper efforts by Husband to appeal an interlocutory suppression order by the Court of Appeal. Those efforts, among other things, separate petitions by Husband for rehearing and rehearing en banc, and a Petition for Writ of Certiorari.<sup>1</sup> 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(a), SCACR. Separately, and pursuant to a different rule subsection (Rule 222(e), SCACR), Wife has requested costs and fees in Case No. 2026-000477. Specifically, Rule 222(a) SCACR provides for costs in a case in which an appeal is dismissed (i.e., this Appellate Court Matter). Separately, 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., Case No. 2026-000477).

s/Brandon R. Gottschall  
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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 Respondent Lindsay F. McGee’s Motion for Costs and supporting Statement of Costs in Case No. 2026-000472 on Appellant and on Guardian Ad Litem Elizabeth J. Stringer by email addressed as set forth below:

Mr. Matthew Abee  
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Mr. Jerry N. Theos  
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*Signature Page to Follow*

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