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May 21 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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

Appellate Court Case No. 2026-000472
Reviewing Authority Case No. 2023-001376
Related Family Court Case No. 2022-DR-10-3072

Justin McGeeAppellant,

v.

Lindsay F. McGee.....Respondent.

Husband’s Return to Wife’s Motion for Costs

Appellant Justin McGee (“Husband”) opposes the May 12, 2026 Motion for Costs filed by Petitioner Lindsay F. McGee (“Wife”) for three reasons.

First, the Reviewing Authority has already denied Wife’s requests for fees. (Suppression Order at 3.) Wife had specifically asked for fees related to her appellate proceedings, which the Court refused. (*Id.*) Wife did not appeal or seek review of this portion of the Suppression Order. She should not be able to do now through Court rule what the Reviewing Authority prohibited her from doing under substantive law.

Second, the Reviewing Authority directed that any further motions in this matter should be directed to the Family Court. (*Id.*) This would include any requests for fees for Wife’s claims. (*Id.*) Such a request would be a motion “concerning these cases” as addressed by the Reviewing Authority. (*Id.*) Wife did not appeal or seek review of this portion of the Suppression Order either.

Third, an award of fees would be inequitable. Not only did this appeal address novel issues for which no reported cases are directly on point, but the appeal raised substantial procedural questions regarding the proper mechanism for seeking reviewing that have not been definitively addressed by this Court. What's more, the Reviewing Authority's stay of this matter for nearly two years from September 14, 2023, despite a properly filed and unopposed motion by Husband to lift the stay back in June 21, 2024, left Husband without the ability to manage certain assets in light of the Family Court's temporary order limiting both parties from selling or encumbering potentially marital assets. That stay also limited his ability to seek Family Court intervention to require Wife to pay substantial portions of shared expenses for the children. As a result, the Reviewing Authority's extensive stay of the parties' divorce and custody action caused Father to go into substantial debt to provide for the family and fund his defense. (*See Mot. to Lift Stay at 5–6, June 21, 2024.*)

Conclusion

Wife's legal machinations have forced Husband to defend himself in multiple courts and an award of fees in this case would unjust, inappropriate, and inequitable. Simply put, the issue of legal fees should be reserved for the final merits of the underlying divorce action.

For the reasons set forth above, the Court should deny Wife's Motion for Costs.

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Proof of Service

I, the undersigned partner of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Appellant Justin McGee, certify that I have served all counsel in this action with a copy of the document(s) set forth below by email under *In re Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules*, Appellate Case No. 2020-000447 (April 24, 2024):

Document(s): **Husband’s Return to Wife’s Motion for Costs**

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