

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

Jason M. Aryeh,  
Respondent,

v.

Olivia R. Aryeh,  
Appellant.

Appellate Case No. 2023-001334

PETITION FOR REHEARING  
PURSUANT TO RULES 221 AND 240, SCACR

Appellant Olivia R. Aryeh, appearing pro se, respectfully petitions this Court for rehearing pursuant to Rules 221 and 240, SCACR.

This Court filed its unpublished opinion on May 20, 2026, affirming the master-in-equity's award of \$120,391.73 in attorney's fees and costs to Respondent. The Court affirmed on the ground that Appellant abandoned the issue on appeal because her Final Brief did not cite supporting legal authority.

Appellant respectfully submits that the Court overlooked or misapprehended the substance of Appellant's Final Brief and the nature of the issue presented.

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Appellant did not raise a generalized objection to the attorney's fee award. Appellant specifically challenged whether the master-in-equity erred in the amount of attorney's fees awarded to Respondent and argued that the award was excessive because it included substantial fees incurred after the lis pendens had already been released and in connection with damages theories that did not result in an award.

South Carolina courts review attorney's fee awards for abuse of discretion, and the reasonableness of such awards is evaluated under the factors set forth in *Baron Data Systems, Inc. v. Loter*, 297 S.C. 382, 377 S.E.2d 296 (1989). Those factors include: (1) the nature, extent, and difficulty of the case; (2) the time necessarily devoted to the case; (3) counsel's professional standing; (4) the contingency of compensation; (5) the beneficial results obtained; and (6) the customary legal fee for similar services.

Appellant respectfully submits that her Final Brief raised a legally cognizable challenge under those principles. The brief identified the issue on appeal as whether the trial court erred in the amount of legal fees awarded. The brief argued that Respondent incurred substantial fees after the lis pendens had already been released; that Respondent continued litigating damages claims that were unsuccessful; and that any attorney's fee award should have been limited to fees reasonably connected to the

filing and maintenance of the lis pendens rather than expanded to include fees associated with unsuccessful damages litigation.

Although appearing pro se, Appellant's Final Brief identified the challenged ruling, the amount awarded, the relevant timing, the reason the fee award was excessive, and the relief requested. Appellant respectfully submits that the issue was therefore not abandoned in substance.

The Court's opinion relied on *Miller v. Dillon*, 432 S.C. 197, 851 S.E.2d 462 (Ct. App. 2020), and *Glasscock, Inc. v. U.S. Fidelity & Guaranty Co.*, 348 S.C. 76, 557 S.E.2d 689 (Ct. App. 2001), for the principle that an issue may be deemed abandoned when raised without supporting authority or only in a conclusory manner. Appellant respectfully submits that this case is distinguishable because Appellant's Final Brief did more than merely assert a conclusion. The brief identified the challenged ruling, articulated the basis for challenging the scope and reasonableness of the fee award, and requested reversal or limitation of the award.

The central issue was not merely whether the fee award was burdensome to Appellant. The issue presented was whether the master-in-equity erred in awarding the full amount of fees requested where Appellant argued that substantial fees related to litigation activity occurring

after the lis pendens had been released and to damages litigation that did not produce an award.

Appellant respectfully submits that rehearing is warranted because the Court's abandonment ruling prevents review of a substantial six-figure fee award even though Appellant raised a recognizable challenge to the reasonableness, scope, and factual basis of that award.

For these reasons, Appellant respectfully requests that this Court grant rehearing, withdraw or modify its May 20, 2026 opinion, and consider the merits of Appellant's challenge to the amount of attorney's fees and costs awarded.

Respectfully submitted,

Olivia R. Aryeh

Dated: June 1, 2026

PROOF OF SERVICE

I certify that on June 1, 2026, I served a copy of the foregoing Petition for Rehearing pursuant to Rules 221 and 240, SCACR, on counsel for Respondent by email and mail addressed as follows:

Sarah P. Spruill  
Haynsworth Sinkler Boyd, P.A.

Olivia Aryeh

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**CERTIFICATE REGARDING FILING FEE**

I certify that the required filing fee is submitted with this  
Petition for Rehearing.

s/ Olivia R. Aryeh  
Olivia R. Aryeh  
Pro Se Appellant