

The Supreme Court of South Carolina

Latoya Brown, Petitioner,

v.

Dick Smith Nissan, Inc. and Old Republic Surety
Company, Respondents.

Appellate Case No. 2013-000417

Lower Court Case No. 2011CP4008074

ORDER

Petitioner moves for appellate costs and attorney's fees under the South Carolina Regulation of Manufacturers, Distributors, and Dealers Act (Dealers Act). This motion is dismissed for two reasons.

First, motions of this nature should be made to the circuit court rather than to this Court. *Austin v. Stokes–Craven Holding Corp.*, 406 S.C. 187, 750 S.E.2d 78 (2013) (appellate costs and fees under Dealers Act); *Parker v. Shecut*, 359 S.C. 143, 597 S.E.2d 793 (2004) (appellate attorney's fees in partition action); *Taylor v. Medenica*, 332 S.C. 324, 504 S.E.2d 590 (1998) (appellate attorney's fees under Unfair Trade Practices Act); *Muller v. Myrtle Beach Golf & Yacht Club*, 313 S.C. 412, 438 S.E.2d 248 (1993) (appellate costs and attorney's fees under mechanic's lien statute); *McDowell v. S.C. Dep't of Soc. Servs.*, 304 S.C. 539, 405 S.E.2d 830 (1991) (appellate attorney's fees under S.C. Code Ann. §15-77-300).

Second, this motion was not made until after the remittitur was sent in this case, and the sending of the remittitur ended appellate jurisdiction. Therefore, the motion cannot be considered by this Court. *Wise v. S.C. Dept. of Corr.*, 372 S.C.

173, 642 S.E.2d 551 (2007).¹



FOR THE COURT

C.J.

Columbia, South Carolina

February 16, 2016

cc: William T. Toal, Esquire
Joseph Gregory Studemeyer, Esquire
The Honorable Jeanette W. McBride

¹ One of the exceptions to this rule regarding post-remittitur motions is a motion for costs under Rule 242(j), SCACR, since that rule allows the motion to be made within fifteen days of the issuance of the remittitur. The current motion does not appear to be a motion for costs under Rule 242(j) since it does not reference that rule or contain the itemized statement of costs required by that rule.