

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

The Hon. Paul M. Burch, Circuit Court Judge

**RECEIVED**

DEC 08 2017

Case No. 14-CP-26-6382

SC Court of Appeals

Appellate Case No. 2015-001827

Erie Insurance Exchange,.....Respondent

v.

Government Employees Insurance Company, Mark Allison Scoggin, and Angela Bennett Hill, Defendants,

Of which Government Employees Insurance Company is.....Appellant

**APPELLANT'S PETITION FOR COSTS  
UNDER RULE 222, SCACR**

I. FACTUAL BACKGROUND

On September 26, 2014, Respondent, Erie Insurance Exchange ("Erie"), the underinsured motorist carrier for Angela Bennett Hill, instituted this declaratory judgment action seeking a declaration that an automobile liability policy issued by Appellant, Government Employees Insurance Company ("GEICO"), provided excess liability coverage, ahead of Erie's UIM coverage, to Mark Allison Scoggin for his September 5, 2012 accident with Hill. After a non-jury trial, the trial court entered an

order on May 7, 2015, ruling in favor of Erie, declaring GEICO's policy applicable, and awarding Erie attorney's fees and costs. The trial court denied GEICO's Rule 59 motion to alter or amend, and GEICO thereafter noticed an appeal to this court on August 24, 2015. Following briefing and oral arguments, this Court reversed the trial court's order in its entirety by unpublished opinion filed November 22, 2017.

## II. DISCUSSION

Rule 222(a) of the South Carolina Appellate Court Rules provides that "[w]hen a judgment is reversed, costs shall be taxed against the respondent unless the court orders otherwise." Rule 222(b) provides that "the party [entitled to recover costs] shall be entitled to recover an attorney's fee in an amount which shall be set by order of the Supreme Court," currently \$1,000.00.

On November 22, 2017, this Court reversed the order and judgment of the circuit court which had found in favor of Erie, the Respondent. GEICO, the Appellant, is, therefore, entitled to an award of costs pursuant to Rule 222, SCACR. A sworn, itemized statement of costs as required by Rule 222(d), SCACR, is attached hereto and incorporated herein. That statement reflects awardable costs of \$12,485.50.

## III. CONCLUSION

**WHEREFORE**, the Appellant, Government Employees Insurance Company, respectfully requests that this motion for costs be granted in the amount of \$2,485.50.

Respectfully submitted, this 6th day of December, 2017.

[Signature on following page.]



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ATTORNEY FOR APPELLANT

December 6, 2017

**CERTIFICATE OF SERVICE**

I, the undersigned, of the law office of King, Love & Hupfer, LLC, as attorneys for Appellant, do hereby certify that I have served the APPELLANT'S PETITION FOR COSTS UNDER RULE 222, SCACR this December 6, 2017, by depositing the same in a U.S. Postal Box in an envelope, sufficient postage prepaid, properly addressed to the following:

J DWIGHT HUDSON ESQ  
HUDSON LAW OFFICES  
PO BOX 70218  
MYRTLE BEACH SC 29572



Robert T. King

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SC Court of Appeals

**KAY H. RICHARDSON**  
Post Office Box 282  
Aynor, South Carolina 29511

**INVOICE NUMBER:** 910  
**DATE OF HEARING:** March 17, 2015  
**DATE OF BILLING:** October 15, 2015

**RE:**

Erie Insurance Exchange v. Government Employees Insurance Company, et al.  
Case Number: 2014-CP-26-06382

**TO:**

Edward A. Love, Esquire  
KING, LOVE & HUPFER, LLC  
Post Office Box 1764  
Florence, SC 29503-1764

**THE HEARING HELD BEFORE THE HONORABLE PAUL M. BURCH:**

Original Transcript	(23 PAGES)	\$ 74.75
<b>TOTAL AMOUNT DUE:</b>		<b>\$ 74.75</b>

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SC Court of Appeals

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December 6, 2017

THE HON JENNY ABBOTT KITCHINGS  
CLERK SC COURT OF APPEALS  
PO BOX 11629  
COLUMBIA SC 29211-1629

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SC Court of Appeals

RE: Erie Insurance Exchange v. GEICO  
Appellate Case No. 2015-001827  
Claim No. 0315647190101020  
Our File 00041.01747

Dear Ms. Kitchings:

Enclosed are the original and seven copies of the *Appellant's Petition for Costs under Rule 222, SCACR*, along with a \$25.00 filing fee check, in the above-referenced matter. Please file the original and six copies in your records, and return a file-stamped copy to us in the enclosed envelope. By copy of this letter, I am hereby serving opposing counsel with the same.

Thank you for your assistance with this matter.

Sincerely,

  
Robert T. King  
[rking@kingandlove.com](mailto:rking@kingandlove.com)

RTK/  
Enclosures

cc: J DWIGHT HUDSON ESQ  
ELLIOTT LIEU

**KING &  
LOVE**  
ATTORNEYS AT LAW

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