

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

**APPEAL FROM RICHLAND COUNTY
Family Court**

The Honorable John M. Rucker, Family Court Judge

Case No. 2006-DR-40-4037

Padgett S. Lewis, Respondent,

v.

Brian Randolph Lewis, Appellant.

RETURN TO MOTION FOR COSTS

The Respondent has moved for cost under Rule 222, SCACR. Although she does not specify the basis for her request, it is clear that she is not entitled to costs under this Court's Rules. Accordingly, the Motion must be denied.

Rule 222(a) states in pertinent part:

(a) To Whom Allowed. Unless 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. When a judgment is reversed, costs shall be taxed against the respondent unless the court orders otherwise. When an appeal is affirmed or reversed in part or is vacated, costs shall be allowed only as ordered by the appellate court.

It has long been the general policy of this Court to not award cost to either party where, as in this case, the judgement is affirmed in part and reversed in part. The Respondent has stated no reasons for any departure from this long standing policy.

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SSC Court of Appeals

Accordingly, the Respondent's motion must be denied.

Respectfully submitted.



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ATTORNEY FOR APPELLANT

Columbia, South Carolina

December 13, 2012

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PROOF OF SERVICE

I certify that I have served the RETURN TO MOTION FOR COSTS upon the Respondent Padgett S. Lewis, by depositing a copy of it in the United States Mail, postage prepaid, on December 13, 2012, addressed to her attorney of record, Carrie A. Warner, Post Office Box 2628, Columbia, South Carolina 29202.



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