

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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Sep 24 2020

APPEAL FROM GREENVILLE COUNTY  
Robin B. Stillwell, Circuit Court Judge

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S.C. SUPREME COURT

Appellate Case No. 2019-000535  
Case No. 2013-CP-23-6522

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Madel C. Rivero, as Personal Representative for the  
Estate of Lilia Lorena Blandin, ..... Respondent,

v.

Sheriff Steve Loftis, in his capacity as  
Sheriff of Greenville County, ..... Petitioner.

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**RETURN TO RESPONDENT’S MOTION FOR COSTS ON APPEAL**

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The Respondent has filed a Motion for Costs wherein she seeks a total of \$5,000 in attorney’s fees, including \$2,500 pursuant to Rule 222(b), SCACR, and an additional \$2,500 pursuant to Rule 242(j)(2), SCACR. The Petitioner does not contest the claim for attorney’s fees pursuant to Rule 222(b). However, the Petitioner submits that the Respondent is not entitled to the \$2,500 in attorney’s fees pursuant to Rule 242(j)(2).

On September 9, 2020, this Court dismissed the writ of certiorari as improvidently granted. The Court thus did not issue a decision on the merits. In *Hollins v. Wal-Mart, Inc.*, 392 S.C. 313, 709 S.E.2d 625 (2011), this Court ruled that “a dismissal of a writ of certiorari as

improvidently granted is *equivalent to the denial of a petition for a writ of certiorari* since both dispositions indicate this Court has determined there is no need to discuss or further review the merits of the case.” 709 S.E.2d at 626. (Emphasis added). *See also, Stogsdill v. South Carolina Dept. of Health and Human Services*, 415 S.C. 568, 784 S.E.2d 669 (2016). The Appellate Court Rules do not allow for an award of costs where a petition for writ of certiorari is denied. *See*, Rule 242(j), SCACR.

Thus, because the dismissal of a writ of certiorari as improvidently granted is the equivalent to the denial of a petition for a writ of certiorari, for which costs may not be awarded, the respondent in the Court of Appeals should be entitled only to the costs that are awardable under Rule 222(b) and not those recoverable under Rule 242(j)(2). For that reason, the Court is respectfully requested to grant costs on appeal of no greater than \$2,500 to the Respondent.

Respectfully submitted,

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September 24, 2020