

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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S.C. SUPREME COURT

APPEAL FROM HAMPTON COUNTY  
Perry M. Buckner, Circuit Court Judge

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Appellate Case No. 2019-000220

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Alice Hazel, as GAL for Jacob N., .....Respondent,

v.

Blitz U.S.A., Inc., Fred's, Inc., Tiger Express Varnville, LLC, and James Nix, .....Defendants,

Of whom Fred's, Inc., is the .....Petitioner.

And

Melinda Cook, .....Respondent,

v.

Blitz U.S.A., Inc., Fred's Inc., Tiger Express Varnville LLC, and James Nix, .....Defendants,

Of Whom Fred's, Inc., is the .....Petitioner.

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MOTION FOR COSTS

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Pursuant to Rule 222, SCACR, Respondents Alice Hazel, as GAL for Jacob N., and Melinda Cook request that the costs of this appeal be taxed against Petitioner Fred's Inc. Rule 242(j)(1) provides that, unless the Court orders or the parties agree otherwise, "costs shall be assessed against the appellant if the decision of the Supreme Court has the effect of affirming the judgment of the lower court or tribunal which was reviewed by the Court of Appeals." Rule 242(j)(1), SCACR. On March 17, 2021, this Court affirmed the decision of the lower court which was reviewed by the Court of Appeals.

On April 6, 2021, this Court issued the Remittitur.<sup>1</sup> Under Rule 242, the Court shall award costs to Respondents. In accordance with Rule 242(j)(4), an itemized statement of costs is attached to this motion.

Respectfully submitted,



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April 9, 2021

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<sup>1</sup> On April 5, 2021, Petitioner filed an untimely petition for rehearing. Under Rule 221(a), SCACR, a petition for rehearing “must be actually received by the appellate court no later than fifteen (15) days after the filing of the opinion.” The Court filed the opinion on March 15, 2021, and Petitioner filed the petition for rehearing on April 5, 2021, 19 days later. Therefore, the petition for rehearing is untimely and does not affect the remittitur of this case or the ripeness of a motion for costs under Rule 242(j)(4), SCACR.