

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

S.C. SUPREME COURT

Hon. R. Scott Sprouse, Circuit Court Judge

Appellate Case No.: 2020-000462

Grange Mutual Casualty and Trustguard Insurance
Company.....Respondents,

v.

20/20 Auto Glass, LLC.....Petitioner/Appellant.

APPELLANT’S OBJECTION TO RESPONDENTS’ MOTION FOR COSTS


Appellant objects to the respondents’ motion to tax costs under Rule 242(j), SCACR, for costs incurred in the Supreme Court. On May 12, 2021, this Court dismissed 20/20 Auto Glass’ writ as improvidently granted. Rule 242(j), SCACR, only applies if 1) the writ of certiorari is granted and 2) the Supreme Court’s decision has the effect of affirming or reversing Court of Appeals decision or if the decision affirms, reverses, or vacates the judgment of the lower court on appeal, then costs are only allowed as ordered by this Court. That requirement is not satisfied here.

A dismissal on the basis that the writ was improvidently granted is procedurally identical to a denial of the writ in the first instance. *Stogsdill v. South Carolina Department of Health and Human Services*, 415 S.C. 568, 569 (S.C. 2016); *Hollins v. Wal-mart Stores Inc.*, 392 S.C. 313, 313, (“For purposes of Rule 221(a), 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 that there is no need to discuss or further review the merits of the case.”). While *Stogsdill* and *Hollins* address this issue in the context of a motion for rehearing, the procedural effect is the same here. If a writ of certiorari is denied, no costs under Rule 242(j), SCACR, are allowed. Because a determination by the Court that the writ as improvidently granted is treated as if the writ was denied, costs under Rule 242(j) should not be awarded.

Accordingly, respondents’ motion to tax costs in the Supreme Court should be denied.

Respectfully submitted,



Joshua M. Henderson
HENDERSON, BRANDT & VIETH, P.A.
360 East Henry Street, Suite 101
Spartanburg, South Carolina 29302
(864) 582-2962

Charles J. Lloyd
Livgard & Lloyd PLLP
2520 University Ave SE, Suite 202
Minneapolis, MN 55414
(612) 825-7777
Attorneys for Appellant 20/20 Auto Glass,
LLC