

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

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

Deena L. and Scott Bettencourt, Appellants,

v.

Mary Ruth Wald, Respondent.

Appellate Case No. 2011-204086

Appeal From Greenville County
Robin B. Stilwell, Circuit Court Judge

Unpublished Opinion No. 2014-UP-175
Submitted March 1, 2014 – Filed April 23, 2014

AFFIRMED

Robert Clyde Childs, III, of Childs Law Firm; Robert
Charles Ray, of Robert C. Ray & Associates; and J.
Falkner Wilkes, all of Greenville, for Appellants.

Marcus Kirk McGarr, of Marcus K. McGarr, PA, of
Greenville, for Respondent.

PER CURIAM: We affirm pursuant to Rule 220(b), SCACR, and the following
authorities:

1. As to whether the trial court erred by failing to award all attorney's fees and expenses pursuant to Rule 37(c), SCRCPP, due to Wald's denial of the Bettencourts' first request to admit: *Sessions v. Withers*, 327 S.C. 409, 416, 488 S.E.2d 888, 892 (Ct. App. 1997) ("The award of expenses under Rule 37(c)[, SCRCPP,] is a matter left to the sound discretion of the trial court, and the court's decision will not be reversed on appeal absent an abuse of that discretion."); *id.* (noting an appellate court may find an abuse of discretion if "the appellant shows that the conclusion reached by the trial court was without reasonable factual support").

2. As to whether the trial court erred by failing to award attorney's fees and expenses pursuant to Rule 37(c), SCRCPP, due to Wald's denial of the Bettencourts' remaining requests to admit: *Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998) ("It is axiomatic that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial [court] to be preserved for appellate review.").

AFFIRMED.¹

FEW, C.J., and SHORT and GEATHERS, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.