

# The South Carolina Court of Appeals

Otha Delaney, Individually and on behalf of all others  
similarly situated, Respondent,

v.

First Financial of Charleston, Inc., Appellant.

Appellate Case No. 2021-001443

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## ORDER

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Because the order on appeal is not immediately appealable, this appeal is dismissed. *See* S.C. Code Ann. § 14-3-330 (2017) (providing our appellate courts may review an interlocutory order that involves the merits of the case or affects a substantial right); *McLendon v. S.C. Dep't of Highways & Pub. Transp.*, 313 S.C. 525, 526, 443 S.E.2d 539, 540 (1994) (holding a motion to dismiss is not immediately appealable under section 14-3-330); *id.* at 526 n.2, 443 S.E.2d 539, 540 n.2 ("Like the denial of a motion for summary judgment, the denial of a motion to dismiss does not establish the law of the case and the issue raised by the motion can be raised again at a later stage of the proceedings."); *Ballenger v. Bowen*, 313 S.C. 476, 476, 443 S.E.2d 379, 380 (1994) (holding denial of summary judgment motion was not immediately appealable despite language in the order appearing to strike a defense); *Shields v. Martin Marietta Corp.*, 303 S.C. 469, 470, 402 S.E.2d 482, 483 (1991) ("Avoidance of trial is not a 'substantial right' entitling a party to immediate appeal of an interlocutory order."). The remittitur will be sent as required by Rule 221(b), SCACR.



FOR THE COURT

Columbia, South Carolina

**FILED**  
**Mar 10 2022**

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