

# The South Carolina Court of Appeals

Ernest F. Middleton, III, and Joyce J. Middleton, Michael J. Farrar and Diana Farrar, Robert H. Hunt and Jeane M. Sullivan, the Colony Homeowners Association, Inc., and Keep It Green, Inc., Respondents,

v.

Georgetown County and Benjamin F. Goff, Sr., Trustee of the Benjamin F. Goff 2004 Revocable Trust dated June 18, 2004, Defendants,

Of whom Benjamin F. Goff, Sr., Trustee of the Benjamin F. Goff 2004 Revocable Trust dated June 18, 2004 is the Appellant,

And of whom Georgetown County is a Respondent.

Appellate Case No. 2022-000811

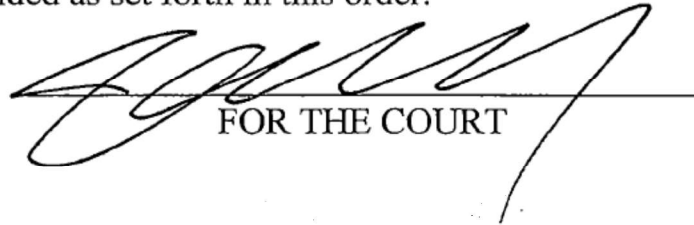
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## ORDER

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After careful consideration, Respondents' motion to dismiss is granted. The order on appeal is not immediately appealable. *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 the denial of 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."). The remittitur will be sent as required by Rule 221(b), SCACR.

Georgetown County's motion to be designated as a Respondent to this appeal is granted, and the caption is amended as set forth in this order.



FOR THE COURT

Columbia, South Carolina

cc:

Benjamin F. Goff, Sr.

Cynthia Ranck Person, Esquire

H. Thomas Morgan, Jr., Esquire

Rachel Lee, Esquire

**FILED**  
**Dec 07 2022**