

# The South Carolina Court of Appeals

Alicia Pearson, Respondent,

v.

Richland County, Appellant.

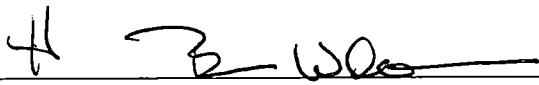
Appellate Case No. 2022-001470

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## ORDER

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After careful consideration, Respondent's motion to dismiss this appeal is denied in part, and granted in part. As to the order denying Appellant's motion for summary judgment, the appeal is dismissed as not immediately appealable. *See Ballenger v. Bowen*, 313 S.C. 476, 476, 443 S.E.2d 379, 380 (1994) ("This Court has repeatedly held that the denial of summary judgement is not directly appealable."); *Olson v. Fac. House of Carolina, Inc.*, 354 S.C. 161, 168, 580 S.E.2d 440, 444 (2003) (finding the denial of summary judgement may not be reviewed even where there is another appealable issue before the court). However, the appeal shall proceed as to the order partially denying Appellant's motion to transfer the case to the non-jury docket. *See Frampton v. S.C. Dep't of Transp.*, 406 S.C. 377, 385, 752 S.E.2d 269, 274 (Ct. App. 2013) ("Orders affecting the mode of trial affect a substantial right as defined in section 14-3-330(2) of the South Carolina Code (1976), and must, therefore, be appealed immediately." (internal quotations omitted)); *id.* (finding the appellant waived its right to appeal an order denying its motion to transfer the case to the non-jury docket because it did not immediately appeal the trial court's order). However, nothing in this order prevents the parties from arguing the issue of appealability in their appellate briefs.

  
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FOR THE COURT

**FILED**  
**Dec 22 2022**

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Columbia, South Carolina

cc:

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Donald Gist, Esquire

Erica Katherine McCrea, Esquire