

# The South Carolina Court of Appeals

Jeri C. Inman and Johnny Inman, Respondents,

v.

Itema America, Inc. and Itema S.p.A., Defendants,

Of whom Itema S.p.A is the Appellant.

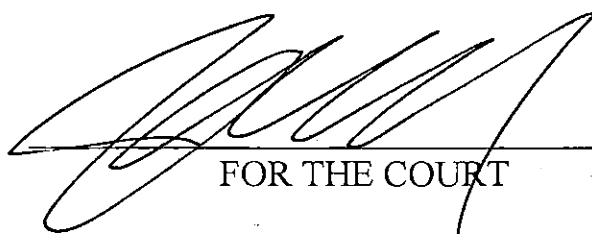
Appellate Case No. 2022-001820

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## ORDER

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This appeal arises out of an order of the circuit court denying Appellant's motion to dismiss and granting Respondents' motion to enlarge time for service of the summons and complaint. Because the underlying order is not immediately appealable, we dismiss this appeal. *See* S.C. Code Ann. § 14-3-330(1)-(2) (2017) (stating a party may appeal an intermediate or interlocutory order only if it "involve[s] the merits", "determine[s] the action and prevent[s] a judgment from which an appeal may be taken", or "discontinue[s] the action"); and *Levi v. N. Anderson Cty. EMS*, 409 S.C. 374, 382, 762 S.E.2d 44, 48 (Ct. App. 2014) ("The denial of a motion to dismiss (1) under Rule 12(b)(6), SCRCPP, (2) based on statute of limitations, or (3) for lack of subject matter jurisdiction . . . are all not immediately appealable."). The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

  
\_\_\_\_\_, J.  
FOR THE COURT

Columbia, South Carolina

**FILED**  
**Jan 10 2023**

cc:

Keith D. Munson, Esquire

William U. Gunn, Esquire