

The South Carolina Court of Appeals

Ray Wallauer, Carol Wallauer, John White, and Pam
White, Respondents,

v.

Accelerate Solar, LLC; Advantage Solar, LLC; Dividend
Solar Finance, LLC; and Justin Pole, Defendants,

Of which Advantage Solar, LLC is the Appellant.

Appellate Case No. 2022-001606

ORDER

Appellant appeals the circuit court's denial of its motion to sever. After receiving the notice of appeal, this court ordered the parties to serve and file memoranda addressing the appealability of the circuit court order. After careful review and consideration of the parties' memoranda, we find the order is not immediately appealable. Accordingly, this appeal is dismissed. *See* S.C. Code Ann. § 14-3-330(2) (2017) (providing South Carolina appellate courts have jurisdiction to review on appeal "[a]n order affecting a substantial right made in an action when such order (a) in effect determines the action and prevents a judgment from which an appeal might be taken or discontinues the action, (b) grants or refuses a new trial or (c) strikes out an answer or any part thereof or any pleading in any action"); *Thornton v. S.C. Elec. & Gas Corp.*, 391 S.C. 297, 300, 705 S.E.2d 475, 477 (Ct. App. 2011) ("An interlocutory order not governed by a specialized appealability statute is not immediately appealable unless it fits into one of the categories listed in section 14-3-330 of the South Carolina Code (1976 & Supp. 2009)."); *N. Carolina Fed. Sav. & Loan Ass'n v. DAV Corp.*, 294 S.C. 27, 32-33, 362 S.E.2d 308, 311 (Ct. App. 1987), *aff'd in part, rev'd in part on other grounds*, 298 S.C. 514, 381 S.E.2d 903 (1989) ("An order refusing severance and separate trials, because it does not affect a substantial right, is ordinarily not immediately appealable."). The remittitur will be sent as required by Rule 221(b), SCACR.

3/9/23

FOR THE COURT

Columbia, South Carolina

cc:

Joseph Owen Smith, Esquire

Joshua Jennings Hudson, Esquire

Gene McCain Connell, Jr., Esquire

FILED
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