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Mar 29 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM PICKENS COUNTY
Court of Common Pleas

G.D. Morgan, Jr. Circuit Court Judge

Case No. 2021-CP-39-01127
Case No. 2021-CP-39-01128

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Jan 10 2023

SC Court of Appeals

Deonda Weldon, Individually and as
Personal Representative of the Estate
of Earline Cooley,

.....

Appellant,

v.

Dominion Clemson, LLC d/b/a
Dominion Senior Living at Patrick
Square, Dominion Senior Living,
LLC, Dominion Clemson, II, LLC,
Dominion Management Group,
LLC, and Dominion Group, LLC

.....

Respondents.



NOTICE OF APPEAL

Appellant Deonda Weldon, Individually and as Personal Representative of the Estate of Earline Cooley, appeals from an order of the Honorable G.D. Morgan, Jr. on January 3, 2023, dismissing Appellant’s suit.¹

¹ The circuit court’s order dismissed all of Appellant’s claims. Order at 1 (stating that the court “ORDERS that this matter be dismissed . . .”); *Id.* at 22 (“this matter is **DISMISSED**”) (emphasis in original). Accordingly, the order is immediately appealable pursuant to statute as recognized by this Court’s precedent. S.C. Code Ann. § 14-3-330(2) (conferring appellate jurisdiction for any order that “discontinues the action”); *see also Huskins v. Mungo Homes, LLC*, ___ S.E.2d ___, 2022 WL 1760628, * 3 (S.C. Ct. App. June 1, 2022) (citing *Widener v. Fort Mill Ford*, 381 S.C. 522, 524, 674 S.E.2d 172, 173-74 (Ct. App. 2009) (“an order dismissing

Respectfully submitted,

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January 10, 2023
Rock Hill, SC

the actions without prejudice and ordering arbitration was immediately appealable” pursuant to section 14-3-330(2)). Like Huskins (and in contrast to Widener), the contested order addresses the substantive enforceability of a disputed arbitration provision, and the Court should address Appellants’ arguments against arbitration on their merits. Huskins, 2022 WL 1760628 at * 3 (citing Toler’s Cove Homeowners Ass’n, Inc. v. Trident Constr. Co., 355 S.C. 605, 611, 586 S.E.2d 581, 584-85 (2003)).

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