

The South Carolina Court of Appeals

Gary L. Park and Cynthia C. Park, Appellants,

v.

Scott Barry Gutovitz and Caron Dawn Gutovitz,
Respondents.

Appellate Case No. 2023-000295

ORDER

On February 24, 2023, Appellants filed and served a notice of appeal in this case. The appeal arises out of two orders in which the circuit court denied motions for summary judgment, denied requests to strike jury demands, denied motions to exclude expert witnesses, and continued requests for sanctions. On March 7, 2023, this Court dismissed the appeal as interlocutory. On March 22, 2023, Appellants filed a motion to reinstate, arguing the circuit court's refusal to strike the jury demands was immediately appealable because the order affected a mode of trial. Respondents filed a return on March 31, 2023, opposing the request to reinstate.

We grant the motion to reinstate. *See* S.C. Code Ann. § 14-3-330(2) (explaining when a final order affecting a substantial right is immediately appealable); *Foggie v. CSX Transp. Inc.*, 315 S.C. 17, 23, 431 S.E.2d 587, 590 (1993) ("Issues regarding the mode of trial must be raised in the trial court at the first opportunity, and the order of the trial judge is immediately appealable."); *Pelfrey v. Bank of Greer*, 270 S.C. 691, 695, 244 S.E.2d 315, 317 (1978) (considering an immediate appeal of a circuit court's refusal "to strike from the amended complaint the phrase 'the plaintiff demands a jury trial'").



FOR THE COURT

Columbia, South Carolina

cc:

George W. Redman, III, Esquire
Robert S. Shelton, Esquire
Gene McCain Connell, Jr., Esquire
L. Morgan Martin, Esquire
Renee Elvis
The Honorable Daniel Coble

FILED
May 11 2023