

The South Carolina 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.

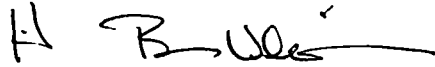
Appellate Case No. 2023-000033

ORDER

On May 29, 2023, Respondents moved (1) for leave to file a motion pursuant to Rule 60, SCRCP, in the circuit court to ask the circuit court to alter the order on appeal, which compelled arbitration, to provide that the matter is stayed rather than dismissed, or (2) in the alternative, for immediate reversal and remand.

Respondents admit "the nature of the relief requested ... is effectively that of a dismissal of this appeal." After careful consideration, we deny the motion. *See* Rule 60(a), SCRCP (providing for the correction of clerical mistakes); Rule 60(b), SCRCP (providing for relief from a judgment due to mistakes, newly discovered evidence, fraud, and satisfactions among other factors); *Widener v. Fort Mill Ford*, 381 S.C. 522, 525, 674 S.E.2d 172, 174 (2009) (reversing and remanding a trial court's order dismissing an action to allow the parties to pursue arbitration and directing the trial court to enter an order staying the action); *Huskins v. Mungo Homes, LLC*, Op. No. 5916 (S.C. Ct. App. filed Feb. 15, 2013) (Howard Adv. Sh. No. 7 at 36) (distinguishing *Widener* and explaining a review of the merits of the circuit court's decision as to the enforceability of an arbitration clause is proper where the issue is capable of repetition).

Respondents shall file their initial briefs and designations of matter within thirty days of the date of this order. Nothing in this order shall prevent Respondents from arguing appealability as an issue in their briefs should they choose to do so.



FOR THE COURT C.J.

Columbia, South Carolina

cc:

Jordan Christopher Calloway, Esquire
Matthew W. Christian, Esquire
Perry D. Boulter, Esquire
Joshua Tate Thompson, Esquire
Ayla G. Luers Connor, Esquire
Russell Grainger Hines, Esquire

FILED
Jun 01 2023