

The South Carolina Court of Appeals

Meswaet Abel, as Personal Representative of the Estate
of Zerihun Wolde and as Natural Parent and Legal
Guardian of Adam Wolde and Wubit Wolde,
Respondent,

v.

Lack's Beach Service, City of Myrtle Beach, and John
Doe Lifeguard, Defendants,

Of which Lack's Beach Service is the Appellant.

Appellate Case No. 2023-000569

ORDER

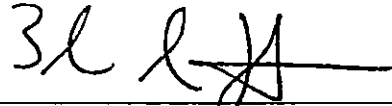
Following a jury's verdict, Appellant filed post-trial motions for judgment notwithstanding the verdict, new trial absolute, and new trial nisi remittitur. Appellant also filed a "conditional motion" that asked for a ruling if the circuit court denied the three motions mentioned above.

The circuit court heard all of these motions in a single hearing. During that hearing, Appellant made an oral motion to amend its answer.

On April 10, 2023, the circuit court denied Appellant's motions for judgment notwithstanding the verdict, new trial absolute, and new trial nisi remittitur. The order did not address the "conditional motion" or the oral motion to amend the answer. Appellant filed a notice of appeal that same day.

Appellant has filed a motion for a limited remand for the circuit court to rule on the "conditional motion" and the motion to amend the answer. Respondent filed a return opposing the request.

After careful consideration, we deny the motion. This denial is without prejudice to Appellant's ability to argue in its merits briefing that the motions remain pending and are properly before the circuit court.

A handwritten signature in black ink, appearing to be '3L LJA', written over a horizontal line.

FOR THE COURT

Columbia, South Carolina

FILED
Aug 29 2023

cc:

Blake Terence Williams, Esquire
C. Mitchell Brown, Esquire
Joseph DuRant Thompson, III, Esquire
Elizabeth Fulton Morrison, Esquire
Daniel Richard Fuerst, Esquire
William Mullins McLeod, Jr., Esquire
John Christopher Pracht, V, Esquire
Harry Cooper Wilson, III, Esquire
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Austin Tyler Reed, Esquire
Frederick Newman Hanna, Jr., Esquire