

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas
Jocelyn Newman, Circuit Court Judge

Case No. 2021-CP-02-00889

RECEIVED

Sep 15 2023

SC Court of Appeals

Julianne Foster, Respondent,

v.

Rhett Riviere, Katherine A. Thomas, Chase Enterprises,
LLC of South Carolina, and Airbnb, Inc., Defendants,

Of which

Airbnb, Inc., is the Appellant.

AND

Airbnb, Inc., Appellant

v.

Rhett Riviere, Respondent

NOTICE OF APPEAL

Airbnb, Inc. (“Airbnb”) appeals: (1) the Order filed September 13, 2023, denying Airbnb’s Motion to Compel Arbitration and (2) the Order filed August 24, 2023, granting Plaintiff’s Motion for a Rule to Show Cause Against Airbnb. Copies of the orders are attached to this Notice. Airbnb received written notice of the order denying its Motion to Compel Arbitration on September 13, 2023, and written notice of the Order granting Plaintiff’s Motion for a Rule to Show Cause Against Airbnb on August 24, 2023.

South Carolina case law provides that “[a]n order denying arbitration is immediately appealable.” *Cape Romain Contractors, Inc. v. Wando E., LLC*, 405 S.C. 115, 121, 747 S.E.2d 461, 464 (2013); *see also Towles v. United HealthCare Corp.*, 338 S.C. 29, 34-35, 524 S.E.2d 839, 842 (Ct. App. 1999) (noting section 16 of the FAA explicitly provides for an appeal from an order denying a motion to compel arbitration and finding that the circuit court’s order refusing to compel arbitration was immediately appealable); *Coinbase, Inc. v. Bielski*, 143 S. Ct. 1915, 1919 (2023) (“Congress provided for immediate interlocutory appeals of orders denying—but not of orders granting—motions to compel arbitration.”). Therefore, this appeal is ripe for the Court’s review and consideration.

Moreover, this Court may consider the Order granting Plaintiff’s Motion for a Rule to Show Cause because an appealable issue is before the Court and a ruling on appeal will avoid unnecessary litigation. *See Watson v. Underwood*, 407 S.C. 443, 459, 756 S.E.2d 155, 163-64 (Ct. App. 2014); *see also Edge v. State Farm Mut. Auto. Ins. Co.*, 366 S.C. 511, 517, 623 S.E.2d 387, 390 (2005) (explaining that “[a]n order that is not directly appealable may be considered if there is an appealable issue before the court” and finding that the Court could consider an interlocutory order on cross appeal since another appealable order was before it). Further, this Order contains a finding of conduct in contempt,¹ which finding is also immediately appealable. *See Ex parte Cannon*, 385 S.C. 643, 660, 685 S.E.2d 814, 823 (Ct. App. 2009).

[Signature on following page.]

¹ "Accordingly, I find Airbnb’s actions show continuing ‘contemptuous conduct’ towards the authority of this Court, and its orders.” (Order at 3, Aug. 24, 2023.)

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