

RECEIVED

Oct 06 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas
G.D. Morgan, Jr., Circuit Court Judge

Civil Action No. 2023-CP-23-01039

Appellate Case No. 2023-

Desimber Rose Wattleton,

Appellant,

v.

A&K Auto Sales and Leasing, LLC, Ameen Aljaouni, Tim Yarger, Tony Scott, Ryan Little,
Atlantic Acceptance Corp., Westlake Financial Services, Roy Owens and Roy Ownes Towing,
Defendants,

Of Which A&K Auto Sales and Leasing, LLC and Westlake Financial Services are the
Respondents.

**WESTLAKE SERVICES, LLC dba WESTLAKE
FINANCIAL SERVICES' MOTION TO DISMISS APPEAL**

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, Westlake Services, LLC dba Westlake Financial Services ("Westlake"), erroneously sued as its fictitious business name, respectfully submits this Motion to Dismiss Appellant Desimber Rose Wattleton's October 4, 2023 Notice of Appeal.

In the Notice of Appeal, Appellant attaches a Form 4 Order of the Honorable G.D. Morgan, Jr. granting Westlake's motion to dismiss the case and directing counsel for Westlake to prepare a formal order. Appellant also attaches the proposed order that Westlake filed and circulated on October 4, 2023, for Judge Morgan's consideration. An appeal may only be taken from a final order or judgment. Rule 201, SCACR. The Form 4 order Appellant attempts to appeal that is not

a final or appealable order. *See Cheap-O's Truck Stop, Inc. v. Cloyd*, 350 S.C. 596, 605, 567 S.E.2d 514, 518 (Ct. App. 2002) (stating a Form 4 order is not effective as a final order if the circuit court specifies that the final order will be prepared by the attorney). Specifically, the Form 4 Order states: "Counsel for Defendant Westlake to prepare formal order." The proposed order Appellant attaches is not an order of the court and is not appealable. Pursuant to Rule 203, a party should not appeal a form order if that form order "indicates that a more full and complete order or judgment is to follow."

Accordingly, Westlake respectfully requests the Court dismiss this appeal because the order appealed from is not final and the proposed order is not an order of the circuit court.

RESPECTFULLY SUBMITTED,

SMITH | ROBINSON
Smith Robinson Holler DuBose and Morgan, LLC

s/Shanon N. Peake
G. Murrell Smith, Jr.
Shanon N. Peake
2530 Devine Street
Columbia, SC 29204
803-254-5445
murrell@smithrobinsonlaw.com
shanonp@smithrobinsonlaw.com

Columbia, South Carolina
October 6, 2023

RECEIVED

Oct 06 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas
G.D. Morgan, Jr., Circuit Court Judge

Civil Action No. 2023-CP-23-01039

Appellate Case No. 2023-

Desimber Rose Wattleton,

Appellant,

v.

A&K Auto Sales and Leasing, LLC, Ameen Aljaouni, Tim Yarger, Tony Scott, Ryan Little,
Atlantic Acceptance Corp., Westlake Financial Services, Roy Owens and Roy Ownes Towing,
Defendants,

Of Which A&K Auto Sales and Leasing, LLC and Westlake Financial Services are the
Respondents.

PROOF OF SERVICE

I certify that a true copy of Westlake Services, LLC dba Westlake Financial Services' Motion to Dismiss in this case has been served on the following, this 6th of October, 2023, by emailing a copy to each attorney listed below using their primary email address listed in the Attorney Information System pursuant to Rule 262 of the South Carolina Appellate Court Rules and the May 6, 2022 Order of the South Carolina Supreme Court (Appellate Case No. 2020-000447) and by depositing the same in the United States Post Office, postage prepaid, addressed to Appellant Desimber Rose Wattleton at the address below.

Robert Childs, III – robert@lawyerchilds.com
Childs Law Firm
20 Center Street
Travelers Rest, SC 29690
Counsel for A&K Auto Sales, LLC

Desimber Rose Wattleton
4359 Wade Hampton Blvd., Unit 1075
Taylors, SC 29687
Pro se Plaintiff

RESPECTFULLY SUBMITTED,

SMITH | ROBINSON
Smith Robinson Holler DuBose and Morgan, LLC

s/Shanon N. Peake
G. Murrell Smith, Jr.
Shanon N. Peake
2530 Devine Street
Columbia, SC 29204
803-254-5445
murrell@smithrobinsonlaw.com
shanonp@smithrobinsonlaw.com

Columbia, South Carolina
October 6, 2023

From: [Shanon Peake](#)
To: ["robert@lawyerchilds.com"](mailto:robert@lawyerchilds.com); ["Terry Rouse"](#); ["Patsy Ahearn"](#)
Cc: [Jennifer Lisandrelli](#)
Subject: Wattleton v. A&K Auto et al. Appeal
Date: Friday, October 6, 2023 9:22:00 AM
Attachments: [Mtn to Dismiss, 4.pdf](#)
[POS Mtn to Dismiss, 2.pdf](#)

Good Morning Robbie,

Please find attached for service Westlake's motion to dismiss the October 4, 2023 notice of appeal in the above-referenced case.

Thank you,
Shanon

SMITH ROBINSON
Forward thinking. Results driven.

Smith Robinson Holler DuBose and Morgan, LLC

www.SmithRobinsonLaw.com

Shanon Peake

Attorney at Law

E: shanonp@smithrobinsonlaw.com [Columbia Office](#)
P: 803.254.5445 2530 Devine Street
D: 803.704.1102 Columbia, SC 29205
F: 803.254.5007

CONFIDENTIALITY NOTICE: The information transmitted, including any attachments, is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer. Intentional interception or dissemination of electronic mail not belonging to you may violate federal or state law.