



# The South Carolina Court of Appeals

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November 27, 2023

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Ms. Shanon N. Peake, Esquire  
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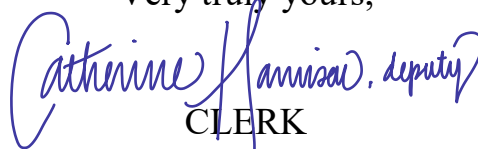
Re: Desimber Wattleton v. A&K Auto Sales and Leasing, LLC  
Appellate Case No. 2023-001469

Dear Ms. Wattleton and Counsel:

Enclosed is a copy of this Court's order.

Within thirty (30) days from the date of this letter, the Respondents may serve and file the respondents' initial brief and designation of matter.

Very truly yours,

  
CLERK

# The South Carolina Court of Appeals

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 Owens Towing, Defendants,

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

Appellate Case No. 2023-001469

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## ORDER

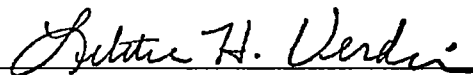
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Appellant has filed a motion to "augment and correct the record on appeal," in which she seeks to add a document that was "not included in the initial notice of appeal," the circuit court's September 18, 2023 order granting Respondent Westlake Financial Services' motion to dismiss. The record on appeal has not yet been filed in this case, so any motion to amend the record is denied as premature.

To the extent that Appellant's intention is to file an amended notice of appeal of the aforementioned order, the motion is denied because the order is not immediately appealable. *See Cheap-O's Truck Stop, Inc. v. Cloyd*, 350 S.C. 596, 605, 567 S.E.2d 514, 518 (Ct. App. 2002) (explaining "a Form 4 order is used on a plethora of occasions" as a final order, when nothing remains to be done by the circuit court after signing the order, but a Form 4 is "not efficacious as a final order" if the circuit court explicitly provides that "a more formal order will be filed," or "the final order will be prepared by [counsel]" (emphasis removed)).

Respondent Westlake's motion to dismiss this appeal is denied. The order on appeal, the circuit court's September 18, 2023 order dismissing Appellant's second cause of action, is interlocutory but appealable. *See Lebovitz v. Mudd*, 289 S.C.

476, 479, 347 S.E.2d 94, 96 (1986) ("An order granting a Rule 12(b) motion as to one of multiple claims is directly appealable under § 14-3-330(2) because it affects a substantial right and strikes out part of a pleading.").



FOR THE COURT

Columbia, South Carolina

**FILED**  
**Nov 27 2023**

cc:

Desimber Rose Wattleton

Robert Clyde Childs, III, Esquire

Shanon N. Peake, Esquire