



The South Carolina Court of Appeals

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December 11, 2023

The Honorable Brice Garrett
Courthouse
305 E North St
Greenville SC 29601-2121

REMITTITUR

Re: James Dustin Lucas v. Andre Knox
Lower Court Case No. 2020CP2302877
Appellate Case No. 2023-001135

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

A handwritten signature in blue ink that reads "Jenny A. Kitchings". The signature is fluid and cursive.

CLERK

Enclosure

cc: Jeanmarie Tankersley, Esquire
Joshua Thomas Hawkins, Esquire

The South Carolina Court of Appeals

James Dustin Lucas, Appellant,

v.

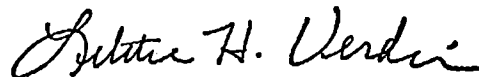
Andre Knox, Respondent.

Appellate Case No. 2023-001135

ORDER

On August 10, 2023, this court sent counsel for the parties a letter requesting that, within ten days, they serve and file a memorandum addressing the issue of appealability. Neither party complied with this court's request.

Nevertheless, we find the order on appeal in this case is not immediately appealable and dismiss the appeal. *See* S.C. Code Ann. § 14-3-330 (2) (providing our appellate courts may review an interlocutory order if it affects a substantial right and "strikes out an answer or any part thereof or any pleading in any action"); *Burkey v. Noce*, 398 S.C. 35, 37, 726 S.E.2d 229, 230 (Ct. App. 2012) ("An interlocutory order is not immediately appealable unless it involves the merits of the case or affects a substantial right."); *Hagood v. Sommerville*, 362 S.C. 191, 195, 607 S.E.2d 707, 709 (2005) ("An order which does not finally end a case or prevent a final judgment from which a party may seek appellate review usually is considered an interlocutory order from which no immediate appeal is allowed."); *McFaddin v. Lohr*, 260 S.C. 242, 243, 195 S.E.2d 385, 385 (1973) ("The general rule in this jurisdiction is that an order refusing to strike allegations in pleadings is not subject to an interlocutory appeal, but that the refusal of such a motion to strike is not conclusive and binding when the case is tried on its merits."). The remittitur will be sent as required by Rule 221(b), SCACR.



FOR THE COURT

Columbia, South Carolina

FILED
Nov 21 2023

cc:

Jeanmarie Tankersley, Esquire

Joshua Thomas Hawkins, Esquire