

The South Carolina Court of Appeals

The Bank of New York Mellon Trust Company, National
Association as Grantor Trustee for the Protium Master
Grantor Trust, Respondent,

v.

Glen Allen Mitchum, Sr., aka Glenn Allen Mitchum,
Appellant.

Appellate Case No. 2013-000560

ORDER

Appellant appeals the circuit court's order granting Respondent's motion for partial judgment on the pleadings. Respondent filed a motion to dismiss, arguing the order is not immediately appealable. Appellant filed a return, arguing the order is immediately appealable because it struck out part of the Appellant's answer by dismissing all counterclaims. After careful consideration of the parties' filings, Respondent's motion to dismiss is granted because the order is not immediately appealable. *See* S.C. Code Ann. § 14-3-330 (1976 & Supp. 2012) (providing this court has appellate jurisdiction to review final judgments and interlocutory orders (1) involving the merits or (2) affecting a substantial right when the order "in effect determines the action and prevents a judgment from which an appeal might be taken or discontinues the action."); *Collins v. Sigmon*, 299 S.C. 464, 466, 385 S.E.2d 835, 836 (1989) ("An order permitting amendment of pleadings is interlocutory and generally is not appealable until final judgment.").



FOR THE COURT

FILED


Columbia, South Carolina

cc: Jane Harris Downey
Michael Brooks Biediger
Brian Steed Tatum
January Nicole Taylor