

The South Carolina Court of Appeals

Jefferson Davis, Jr., Appellant,

v.

Chad Connelly; Dave Wilson; Stephen Kirkland; Tom Persons; Neil Mellen; E3 Software, LLC; Endurance International Group Holdings, Inc; John Doe #1; John Doe #2; & John Doe 3-40, Respondents.

Appellate Case No. 2023-001623

ORDER

Respondents have filed a joint motion to dismiss this appeal.

On October 13, 2023, Appellant filed a notice of appeal of twelve orders from the circuit court. Appellant failed to timely serve Respondents with his notice of appeal. *See* Rule 203(b)(1), SCACR (providing the notice of appeal must be served on all respondents within thirty days after receipt of written notice of entry of the order). Consequently, this court does not have jurisdiction to hear this appeal. *See Mears v. Mears*, 287 S.C. 168, 169, 337 S.E.2d 206, 207 (1985) ("Service of the notice of intent to appeal is a jurisdictional requirement, and this Court has no authority to extend or expand the time in which the notice of intent to appeal must be served."). Moreover, the circuit court's discovery orders and orders granting discovery sanctions—filed March 26, 2021; October 15, 2021; November 8, 2021; November 30, 2021; January 4, 2022; August 12, 2022; September 19, 2022; January 3, 2023; and August 24, 2023—are interlocutory and not immediately appealable. *See* S.C. Code Ann. § 14-3-330 (providing an interlocutory order is immediately appealable only if it involves the merits or affects a substantial right); *Grosshuesch v. Cramer*, 377 S.C. 12, 30, 659 S.E.2d 112, 122 (2008) ("[D]iscovery orders, in general, are interlocutory and are not immediately appealable because they do not, within the meaning of the appealability statute, involve the merits of the action or affect a substantial right."); *Richardson v. Halcyon Real Est. Servs., LLP*, 439 S.C. 419, 427, 887 S.E.2d 153,

157 (Ct. App. 2023) ("Allowing a party to immediately appeal an interlocutory order imposing sanctions under Rule 37(b) for deposition misconduct would further delay the process and drive up costs.").

Based on the foregoing, Respondents' motion to dismiss is granted.¹ The remittitur will be sent as required by Rule 221(b), SCACR.


FOR THE COURT

Columbia, South Carolina

FILED
Mar 06 2024

cc:

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¹ Because the appeal is dismissed, we decline to act upon Appellant's pending motion to order the transcript out of time.