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**Apr 22 2024**

**SC Court of Appeals**

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM GREENVILLE COUNTY  
COURT OF COMMON PLEAS

Judge G. D. Morgan

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Case No. 2024-CP-23-00312  
Appellate Case No.: 2024-00417

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Christopher Jones,

Appellant,

v.

D&B Real Estate Ventures, LLC.;  
Darius Jones; Bradley Robinson,

Respondents.

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**RESPONDENTS'S MOTION TO DISMISS**

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Pursuant to Rule 203(b)(1) of the South Carolina Appellate Court Rules (SCACR), Respondents D&B Real Estate Ventures, LLC., Darius Jones, and Bradley Robinson (collectively "Respondents"), by and through their undersigned counsel, hereby move for dismissal of the instant appeal initiated by Appellant, Christopher Jones ("Appellant"). This appeal is of a Form 4 Order dated March 13, 2024 (the "Form 4 Order"), wherein the Honorable Judge G.D. Morgan dismissed Appellant's Complaint for failure to state a claim under South Carolina Rules of Civil Procedure Rule 12(b)(6). This motion is based on the ground that the appeal is premature, having been filed prior to the issuance of a complete and final order, thereby failing to confer jurisdiction upon this Court.

The Form 4 Order upon which this appeal is based reads, in pertinent part, as follows:

This matter is before the Court on Defendants' Motion to Dismiss, or in the alternative, Motion for Summary Judgment and Defendants' Motion to Quash Subpoena. Based on a review of the file, submissions of the parties, and oral arguments, Defendants' Motion to Dismiss is granted. Defendants' Counsel is to prepare a formal order.

It is so ordered.

*See March 13, 2024, Form 4 Order, p. 2.*

The instant Appeal was filed by Appellant despite the lower court's Form 4 Order clearly indicating that a more full and complete order was to follow.

Rule 203(b), SCACR, states: "When a form or other short order or judgment indicates that a more full and complete order or judgment is to follow, a party need not appeal until receipt of written notice of written notice of entry of the more complete order or judgment." *Rule 203(b), SCACR.*

Despite the preliminary nature of this Form 4 Order, Appellant filed a Notice of Appeal on the same day, prior to the issuance of a full and detailed order, which was later filed on April 10, 2024. Given that the appeal was lodged before the final order was issued, this Court lacks jurisdiction over an incomplete appeal that does not challenge a final, appealable order. Appeals from interlocutory or non-final orders are not permitted without specific certification, which is absent here. Thus, the initial notice of appeal was premature and fails to comply with the procedural requirements for a valid and ripe appeal.<sup>1</sup> As the appeal does not meet the jurisdictional prerequisites outlined in SCACR Rule 203(b)(1), it should be dismissed.

The premature filing of the Notice of Appeal, prior to the issuance of a comprehensive and final order, fails to invoke the jurisdiction of this Court. South Carolina case law consistently holds that an appellate court does not acquire jurisdiction to review an appeal unless it is taken from a

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<sup>1</sup> Furthermore, the Appellant never filed a Motion under Rule 59, SCRCP, after the Form 4 Order or after the subsequent Formal Order was filed.

final order that leaves no further issues to be determined at the trial level. Consequently, this appeal must be dismissed for lack of jurisdiction as the preliminary notice does not meet the criterion of a final appealable order.

**WHEREFORE**, for the reasons stated herein, Respondents respectfully request that this Court dismiss the present appeal for being prematurely filed and thus outside the purview of this Court's jurisdiction as delineated in Rule 203(b)(1), SCACR.

Respectfully submitted this 22nd day of April 2024.

HOLDER, PADGETT, LITTLEJOHN + PRICKETT, LLC

Greenville, South Carolina

*s/ M. Stokely Holder*

M. Stokely Holder  
S.C. Bar No. 73892  
sholder@hplplaw.com

Ra'na Heidari  
SC Bar No. 104501  
rheidari@hplplaw.com  
P.O. Box 1804  
Greenville, South Carolina 29602  
(864) 335-8808  
*Attorneys for Respondents*

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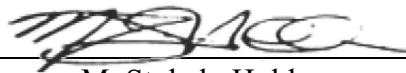
APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

THE HONORABLE G.D. MORGAN

Appellate Case No. 2024-00417  
Circuit Court Case No. 2024-CP-23-00312

CERTIFICATE OF SERVICE

I, the undersigned attorney for the Respondents, D&B Real Estate Ventures, LLC, Darius Jones and Bradley Robinson, do hereby certify that I have served the Respondents' Motion to Dismiss on the Appellant, Christopher Jones by sending a copy via email to [intljonesc@gmail.com](mailto:intljonesc@gmail.com) and via mail to 309 Perry Ave., Greenville, SC 29601. I also certify that I have served the Respondents' Motion to Dismiss on the South Carolina Court of Appeals by depositing it in the United States Mail, postage prepaid, on April 22, 2024, addressed to The Honorable Jenny Abbott Kitchings, Clerk of Court, P.O. Box 11629, Columbia, SC 29211, and by electronic mail at: [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org).



M. Stokely Holder  
SC Bar No.: 73892  
Ra'na Heidari  
SC Bar No.: 104501  
Raford W. Bussey, Jr.  
SC Bar No.: 103943  
Holder, Padgett, Littlejohn + Prickett, LLC  
800 E. North Street  
Greenville, SC 29601  
864-335-8808  
[sholder@hplplaw.com](mailto:sholder@hplplaw.com)  
[rheidari@hplplaw.com](mailto:rheidari@hplplaw.com)  
[rbussey@hplplaw.com](mailto:rbussey@hplplaw.com)

*Attorneys for the Respondents D&B Real Estate Ventures, LLC, Darius Jones and Bradley Robinson*

April 22, 2024

Carolyn G. Denney

*Reply to: Greenville*  
direct: 864.558.9440  
fax: 864.248.4090  
cdenney@hplplaw.com

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**Via U.S. Mail and Email**

The Honorable Jenny Abbott Kitchings  
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Columbia, SC 29211  
ctappfilings@sccourts.org

**RE: Christopher Jones v. D&B Real Estate Ventures, LLC; Darius Jones; Bradley  
Robinson  
Circuit Court Case No.: 2024-CP-23-00312  
Appellate Case No.: 2024-00417**

Dear Ms. Kitchings,

Please find enclosed herewith for service upon the court Respondents' Motion to Dismiss, along with a Certificate of Service for same. I have also included our firm's check in the amount of \$50.00 for the filing fee.

Should you have any questions or concerns, feel free to contact our office.

Regards,

HOLDER PADGETT LITTLEJOHN + PRICKETT, LLC



Carolyn Denney  
Paralegal

Enclosures

cc: *Christopher Jones*