

The South Carolina Court of Appeals

James Reid and Sarania Reid, Respondents,

v.

Carrie Gaston Henderson, Appellant.

Appellate Case No. 2023-001519

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SC Court of Appeals

ORDER

After careful consideration, Appellant's motion to stay is denied. Appellant failed to make the request first to the circuit court, as required by Rule 241(d)(1) of the South Carolina Appellate Court Rules. *See* Rule 241(d)(1), SCACR ("Except where extraordinary circumstances make it impracticable, an application for an order lifting the automatic stay or for supersedeas must first be made to the lower court or administrative tribunal which entered the order or decision on appeal."). Additionally, Appellant has failed to appeal the underlying summary judgment order in this case, and instead has appealed only the circuit court's order denying her motion for reconsideration. Accordingly, even if this court were to impose a stay, it would have no effect on the rulings contained in the summary judgment order. *See* Rule 241(c)(2), SCACR ("In determining whether an order should issue pursuant to this Rule, the lower court, administrative tribunal, appellate court, or judge or justice of the appellate court should consider whether such an order is necessary to preserve jurisdiction of the appeal or to prevent a contested issue from becoming moot.").



FOR THE COURT

Columbia, South Carolina

cc:

Carrie G. Henderson

Chèresè Tommaè Handy, Esquire

Thomas J. Rode, Esquire

FILED
May 21 2024



South Carolina Court of Appeals

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