

# The South Carolina Court of Appeals

Laura Abernathy, Appellant.

v.

Ervin W. Lambert, Sr., Personal Representative of The  
Estate of Ervin E. Lambert, Jr. Deceased, Respondent.

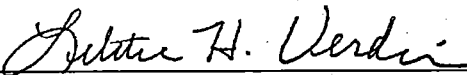
Appellate Case No. 2023-000655

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## ORDER

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After careful consideration, Respondent's motion to dismiss this appeal is granted. The orders on appeal are interlocutory and not immediately appealable pursuant to S.C. Code Ann. § 14-3-330(2) because they do not deny any party a mode of trial to which they are entitled as a matter of right. *See Frampton v. S.C. Dep't of Transp.*, 406 S.C. 377, 385, 752 S.E.2d 269, 274 (Ct. App. 2013) ("Orders affecting the mode of trial affect a substantial right as defined in section 14-3-330(2) of the South Carolina Code (1976), and must, therefore, be appealed immediately." (internal quotation omitted)); *Flagstar Corp. v. Royal Surplus Lines*, 341 S.C. 68, 72, 533 S.E.2d 331, 333 (2000) (explaining the analysis of issues of denial of a mode of trial "proceeds by determining whether or not a party is erroneously denied a trial by jury in a law case, or is erroneously required to proceed before a jury in an equity case"); *id.* (holding that a party appealing an order requiring the bifurcation of issues and discovery is not immediately appealable because no party was denied the right to a jury trial); *id.* at 73, 533 S.E.2d at 333 (stating an immediate appeal pursuant to § 14-3-330(2) is "permitted only where the alleged error cannot be corrected by a new trial" and "[t]o hold otherwise would require this Court to, *inter alia*, predetermine the admissibility of evidence in advance of trial, to pass upon matters of pretrial discovery and to engage in 'piecemeal litigation'" (citing *Breland v. Love Chevrolet*, 339 S.C. 89, 529 S.E.2d 11 (2000))).



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FOR THE COURT

**FILED**  
**Jan 10 2024**

Columbia, South Carolina

cc:

Jaan Gunnar Rannik, Esquire

Lionel S. Lofton, Esquire

V. Lynn Lofton, Esquire

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