

The South Carolina Court of Appeals

GM Company, Inc., Appellant,

v.

Bruce Bryant, Marvin Brown, City of Rock Hill, and
Town of York, Defendants,

Of whom Bruce Bryant and Marvin Brown are the
Respondents.

Appellate Case No. 2013-001353

ORDER

Appellant appealed the circuit court's order granting Respondents' motion to compel discovery and awarding sanctions for Appellant's failure to comply with a previous order compelling discovery. Respondents have filed a motion to dismiss, arguing the order is not immediately appealable. Appellant has not filed a return. After careful consideration of the parties' filings, Respondents' motion to dismiss is granted because the order is not immediately appealable. *See* S.C. Code Ann. § 14-3-330(1), (2)(a) (1976) (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"); *Tucker v. Honda of S.C. Mfg., Inc.*, 354 S.C. 574, 577, 582 S.E.2d 405, 406 (2003) ("[A]n order compelling discovery does not ordinarily involve the merits of the case and may not be appealed."); *id.* at 577-78, 582 S.E.2d at 407 (holding an order compelling discovery is not immediately appealable even if it is challenged as violating the attorney-client privilege).


FOR THE COURT

Columbia, South Carolina

cc: S. Jahue Moore
Michael Brooks Biediger
Terry B. Millar
William Mark White

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September 3, 2013 EAC