

The South Carolina Court of Appeals

EK Real Estate Services of NY, LLC, Respondent,

v.

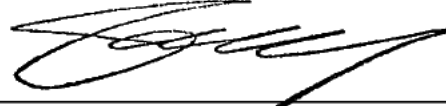
Yvonne L. DeLoach, Appellant.

Appellate Case No. 2024-001116

ORDER

After careful consideration of the parties' memoranda on the issue of appealability, we dismiss this appeal. *See* S.C. Code Ann. § 14-3-330 (2017) (providing our appellate courts may review an interlocutory order that involves the merits of the case or affects a substantial right); *Thornton v. S.C. Elec. & Gas Corp.*, 391 S.C. 297, 300, 705 S.E.2d 475, 477 (Ct. App. 2011) ("An interlocutory order not governed by a specialized appealability statute is not immediately appealable unless it fits into one of the categories listed in section 14-3-330 of the South Carolina Code (1976 & Supp. 2009)."); *Peterkin v. Brigman*, 319 S.C. 367, 368, 461 S.E.2d 809, 810 (1995) ("To involve the merits, the order must 'finally determine some substantial matter forming the whole or part of some cause of action or defense . . .'" (quoting *Mid-State Distributors, Inc., v. Century Importers, Inc.*, 310 S.C. 330, 426 S.E.2d 777 (1993))); *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.* 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)); *Wetzel v. Woodside Dev. Ltd. P'ship*, 364 S.C. 589, 592, 615 S.E.2d 437, 438 (2005) (stating the grant or denial of a motion to set aside entry of default is not directly appealable). The remittitur will be sent as required by Rule 221(b),

SCACR.



FOR THE COURT

Columbia, South Carolina

FILED
Aug 29 2024

cc:

Mary Leigh Arnold, Esquire

Matthew A. L. Anderson, Esquire