

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of Common Pleas
The Honorable R. Lawton McIntosh

Case No. 2022-CP-37-00447
Appellate Case No. 2024-001576

Frances J. Ratliff, Edward J. Ratliff, Jr., James L. Ratliff, Lucretia B. Morgan, Sherri Akers Crisp,
Amy Cawthon,

Appellants,

v.

Oconee County, Globe, A South Carolina Limited Partnership, Farmes, A South Carolina Limited
Partnership,

Respondents,

RESPONDENTS'
MOTION TO DISMISS APPEAL

The Respondents, Oconee County, Globe, A South Carolina Limited Partnership, hereinafter referred to as “Globe,” and Farmes, A South Carolina Limited Partnership, hereinafter referred to as “Farmes,” hereby move that the Appellants’ appeal in the above captioned matter be dismissed upon the grounds that the Order from which they appeal does not finally dispose of the whole subject matter in litigation.

A three (3) day non-jury trial was held before The Honorable R. Lawton McIntosh on June 12-14, 2024. At the conclusion of trial Judge McIntosh took the matters under advisement and

later filed his Order on August 6, 2024, which is the Order from which the Appellants have appealed.

On August 14, 2024, Respondents Globe and Farmes filed a Motion for Attorney Fees and Costs, and on August 15, 2024, Plaintiffs' Post-Trial Motion to Alter or Amend the August 6, 2024 Order was filed. Each of these Motions were filed in the Oconee County Court of Common Pleas.

On August 19, 2024, Judge McIntosh denied Plaintiff's Post-Trial Motion to Alter or Amend the August 6, 2024 Order.

On August 26, 2024, Plaintiffs' Memorandum in Opposition to Respondents Globe and Farmes' Motion for Attorney Fees and Costs was filed in the Oconee County Court of Common Pleas and the Motion for Attorney Fees and Costs is still pending.

On September 17, 2024, Appellants' filed a Notice of Intent to Appeal in the South Carolina Court of Appeals.

On September 26, 2024, a hearing on Respondents Globe and Farmes' Motion for Attorney Fees and Costs was set on the Oconee County Court of Common Pleas Backup Motion Roster for November 14, 2024; therefore, the matter is still pending in the Oconee County Court of Common Pleas.

Based upon the above, the Respondents are informed and believe that the case of *Wheatley v. Wheatley*, 287 S.C. 446, 339 S.E.2d 149 (Ct. App. 1985) requires that the appeal be presently dismissed without prejudice and all issues on appeal be raised once the Lower Court rules upon the Respondent Globe and Farmes' Motion for Attorney Fees and Costs.

IT IS SO MOVED!

[Signatures on next page]

Respectfully submitted,

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October 3, 2024

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SC Court of Appeals

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Partnership,

Respondents,

PROOF OF SERVICE
RESPONDENTS'
MOTION TO DISMISS APPEAL

The undersigned hereby certifies that a copy of the Respondents' Motion to Dismiss Appeal
was served via electronic mail upon the following:

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October 3, 2024