

The South Carolina Court of Appeals

Boyce Street, LLC, Appellant,

v.

David Smith Company, LLC; David Smith; Construction
Science and Engineering, Inc.; and Jason L. Smith,
Defendants,

of which David Smith Company, LLC is the Respondent.

Appellate Case No. 2024-001849

ORDER

After careful consideration of the parties' filings, this appeal is dismissed because Appellant failed to timely serve the notice of appeal. *See* Rule 203(b)(1), SCACR (providing a notice of appeal from the court of common pleas must be served within thirty days after receipt of written notice of entry of the order or judgment); *id.* (providing a *timely* motion to alter or amend stays the time for appeal and the time shall run from receipt of written notice of entry of the order granting or denying the motion); Rule 59(b), SCRCP (explaining a "motion for new trial shall be made promptly after the jury is discharged, or in the discretion of the court not later than 10 days thereafter"); Rule 59(e), SCRCP ("A motion to alter or amend the judgment shall be served not later than 10 days after receipt of written notice of the entry of the order."); *Boone v. Goodwin*, 314 S.C. 374, 376, 444 S.E.2d 524, 525 (1994) (holding "a party must make a motion for a new trial promptly after the jury is discharged or request ten days within which to make the motion"); Rule 263(b), SCACR ("The time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rules 203 and 243 may be extended"); *Mears v. Mears*, 287 S.C. 168, 337 S.E.2d 206 (1985) (explaining the notice of appeal is a jurisdictional requirement, and the appellate courts have no authority to extend the time in which the notice of intent to appeal must be served). The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Stephanie P. McDonald

FOR THE COURT

Columbia, South Carolina

cc:

Thomas Elihue Dudley, III, Esquire

Sarah Anderson Timmons, Esquire

Devon Marc Puriefoy, Esquire

Kimberly Truluck Thomason, Esquire

FILED
Jan 03 2025
