

The South Carolina Court of Appeals

Ronald L. Jones, Appellant,

v.

Gary A. Jones, Sr., Becky J. Jones, Ima Lee Jones, and
Shelley Allsbrooks, Respondents.

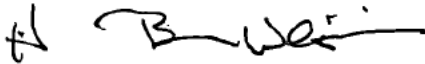
Appellate Case No. 2021-001150

ORDER

Appellant appeals from an order denying his motion to amend his second amended complaint and order denying his motion pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure. Upon receiving the notice of appeal, this court requested memoranda from the parties regarding the appealability of the orders. After carefully considering both parties' memoranda and Respondents' request to dismiss the appeal,¹ we dismiss the appeal. See S.C. Code Ann. § 14-3-330(2) (2017) (providing South Carolina appellate courts have jurisdiction to review on appeal "[a]n order affecting a substantial right made in an action when such order (a) in effect determines the action and prevents a judgment from which an appeal might be taken or discontinues the action, (b) grants or refuses a new trial or (c) strikes out an answer or any part thereof or any pleading in any action"); *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 . . .").² Remittitur will issue in accordance with Rule 221(b) of the South Carolina Appellate Court Rules.

¹ In their appealability memoranda, Respondents moved to dismiss the appeal, explaining it had intended to file a motion to dismiss prior to this court's request for appealability memoranda.

² Although unpublished and not of precedential value, we find our recent decision in *Skydive Myrtle Beach, Inc. v. Horry County*, persuasive. See 2024-UP-248 (S.C. Ct. App. filed July 3, 2024). In *Skydive*, we determined the order denying



C.J.

FOR THE COURT

Columbia, South Carolina

FILED
Oct 23 2024

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Skydive's motion to amend its complaint was not immediately appealable. *Id.* We stated, "Skydive may appeal the [circuit] court's order denying its motion to amend its complaint at the conclusion of the present action." *Id.*