

The South Carolina Court of Appeals

Nelson & Galbreath, LLC, Respondent,

v.

Eric K. Ricardo, Americas Signature Homes, LLC, and
Everardo A. Gutierrez, Defendants,

of which Americas Signature Homes, LLC is the
Appellant.

Appellate Case No. 2024-002035

ORDER

On December 3, 2024, Appellant filed a notice of appeal from a circuit court order granting a judgment in favor of Respondent in the amount of \$20,497.69 and denying Appellant's motion to consolidate and a circuit court order denying Appellant's motion to reconsider. On January 29, 2025, Respondent moved to dismiss the appeal as moot, explaining "there remains no further controversy in this matter" because Appellant "voluntarily paid to Respondent the full judgment of \$20,497.69" and a satisfaction of judgment was filed on November 13, 2024. Appellant filed a return, arguing the appeal is not moot or, in the alternative, an exception to the mootness doctrine applies. On February 14, 2025, Respondent filed a reply, argue the exceptions do not apply. After careful consideration, we grant the motion to dismiss the appeal as moot. *See Wachesaw Plantation E. Cmty. Serv. Ass'n, Inc. v. Alexander*, 414 S.C. 355, 359, 778 S.E.2d 898, 900 (2015) ("A case is moot where a judgment rendered by the Court will have no practical legal effect upon an existing controversy because an intervening event renders any grant of effectual relief impossible for the Court." (quoting *S.C. Ret. Syst. Inv. Comm'n v. Loftis*, 402 S.C. 382, 384, 741 S.E.2d 757, 758 (2013))); *id.* ("[M]oot appeals result when intervening events prevent a decision on appeal from having an immediate impact on the parties." (quoting 15 S.C. Jur. *Appeal and Error* § 19 (Supp. 2014))); *id.* ("Appellate court[s] will not pass on moot and academic questions or make an adjudication where there remains no actual

controversy." (quoting *Linda Mc Co., Inc. v. Shore*, 390 S.C. 543, 558, 703 S.E.2d 499, 506 (2010)); *Curtis v. State*, 345 S.C. 557, 568, 549 S.E.2d 591, 596 (2001) ("In the civil context, there are three general exceptions to the mootness doctrine. First, an appellate court can take jurisdiction, despite mootness, if the issue raised is capable of repetition but evading review. Second, an appellate court may decide questions of imperative and manifest urgency to establish a rule for future conduct in matters of important public interest. Finally, if a decision by the trial court may affect future events, or have collateral consequences for the parties, an appeal from that decision is not moot, even though the appellate court cannot give effective relief in the present case." (citations omitted)); *Sessions v. Withers*, 327 S.C. 409, 417, 488 S.E.2d 888, 893 (Ct. App. 1997) (holding an appeal was moot when any decision rendered by the appellate court "would be merely advisory, given that it would not change the obligations of the parties or otherwise grant any meaningful relief" when a party was contractually obligated to mark the judgment "satisfied" and not to execute on the judgment); *Green v. Bauerle*, 441 S.C. 408, 415, 894 S.E.2d 303, 307 (Ct. App. 2023) ("[I]t is almost universally held that there can be only one satisfaction for an injury or wrong." (quoting *Riley v. Ford Motor Co.*, 414 S.C. 185, 195, 777 S.E.2d 824, 830 (2015))).



FOR THE COURT

Columbia, South Carolina

cc:
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FILED
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