

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

104200

APPEAL FROM PICKENS COUNTY
Court of Common Pleas

G. D. Morgan, Circuit Court Judge

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MAR 14 2025
SC Court of Appeals

Case No. 2024-CP-39-0019
Appellate Case No. 2024-002188

Ortagus BennettAppellant

v.

Hyper Formance, LLCRespondent

MOTION TO DISMISS APPEAL

Respondent hereby moves for the South Carolina Court of Appeals to issue an Order dismissing this Appeal as to Judge Morgan’s December 10, 2024 Order denying Appellant’s Motion for Claim and Delivery as that Order is not immediately appealable.

S.C. Code Ann. § 14-3-330(1) provides:

The Supreme Court shall have appellate jurisdiction for correction of errors of law in law cases, and shall review upon appeal:

- (1) Any intermediate judgment, order or decree in a law case involving the merits . . . ;
- (2) An 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;

BRADFORD NEAL MARTIN & ASSOCIATES, PA

ATTORNEYS AT LAW

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SC Court of Appeals

The Hon. Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211



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