

The South Carolina Court of Appeals

Bonnie Sturkie, Nicholette Argo individually and as parent and natural guardian for B.T., and James Lucas, Respondents,

v.

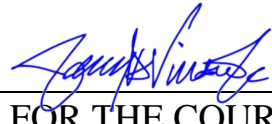
Sai Jala, LLC d/b/a Motel 6 West Columbia SC-Airport and Motel 6 Operating L.P., Defendants,

of which Sai Jala, LLC d/b/a Motel 6 West Columbia SC-Airport is the Appellant.

Appellate Case No. 2025-000575

ORDER

This appeal arises out of an order denying Appellant's motion to vacate entry of default. Upon review of the public index, it does not appear that a damages hearing has been held or that a default judgment has been issued. The appeal is dismissed because it is not immediately appealable and remanded to the circuit court to conduct a damages hearing. *See Palmetto Constr. Grp., LLC v. Restoration Specialists, LLC*, 432 S.C. 633, 635-36, 856 S.E.2d 150, 151 (2021) ("A party in default has three primary options: (1) do nothing pending the entry of judgment by default under Rule 55(b), SCRCF; (2) file an appearance under Rule 55(b)(2), SCRCF, in an attempt to protect its interests before the entry of judgment by default; or (3) request the entry of default be set aside pursuant to Rule 55(c), SCRCF. Under either option, the party has no right of appeal until after final judgment."); *id.* at 639, 856 S.E.2d at 153 (noting the refusal to set aside entry of default is not immediately appealable); *Ricks v. Weinrauch*, 293 S.C. 372, 374, 360 S.E.2d 535, 536 (Ct. App. 1987) ("[Under Rule 55(b),] a court is unable to enter judgment until damages are determined. The entry of default is an official recognition of the failure to appear or otherwise respond, but is not a judgment by default."). The remittitur will be sent as provided by Rule 221(b), SCACR.



FOR THE COURT

Columbia, South Carolina

cc:

Trevor Penrose Eddy, Esquire

S. Jahue Moore, Esquire

FILED
Mar 28 2025
