



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

April 02, 2025

Ms. Kimila Lynn Wooten, Esquire
325 W Mcbee Avenue
Suite 301
Greenville SC 29601

Mr. Robert Karl Merting, Esquire
PO Box 26284
Greenville SC 29616

Re: Angelee Medve v. Michael's Wholesale Flooring
Appellate Case No. 2024-000245

Dear Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,


CLERK

cc: The Honorable Alex Kinlaw, Jr.

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Angelee Medve, Respondent,

v.

Michael's Wholesale Flooring, Appellant.

Appellate Case No. 2024-000245

Appeal From Greenville County
Alex Kinlaw, Jr., Circuit Court Judge

Unpublished Opinion No. 2025-UP-119
Submitted March 1, 2025 – Filed April 2, 2025

APPEAL DISMISSED

Robert Karl Merting, of Greenville, for Appellant.

Kimila Lynn Wooten, of Kenison Dudley & Crawford,
LLC, of Greenville, for Respondent.

PER CURIAM: Michael's Wholesale Flooring (MWF) appeals the circuit court's order remanding an action Angelee Medve filed against MWF to the magistrate's court. On appeal, MWF argues the circuit court erred in (1) applying an improper standard of review, (2) allowing Medve to substitute a motion pursuant to Rule 60(b) of the South Carolina Rules of Civil Procedure for an appeal, (3) finding the magistrate's court abused its discretion in denying Medve's motion for a

continuance, and (4) finding the magistrate's court abused its discretion in denying Medve's Rule 60(b) motion. We dismiss the appeal pursuant to Rule 220(b), SCACR.

We hold the order granting Medve's appeal and remanding to the magistrate's court is not immediately appealable. Therefore, we dismiss the appeal. *See* Rule 201(a), SCACR ("Appeal may be taken, as provided by law, from any final judgment, appealable order or decision."); *Ex parte Wilson*, 367 S.C. 7, 12, 625 S.E.2d 205, 208 (2005) ("Any judgment or decree, leaving some further act to be done by the court before the rights of the parties are determined, is interlocutory and not final."); S.C. Code Ann. § 14-3-330(2)(b) (2017) (specifying orders that "grant . . . a new trial" are among immediately appealable orders); *Pocisk v. Sea Coast Const. of Beaufort*, 380 S.C. 584, 587-88, 671 S.E.2d 98, 100-01 (Ct. App. 2008) (finding an interlocutory order granting Rule 60(b) relief was not eligible for immediate appeal under section 14-3-330(2)(b) because the order did not grant a "new trial" when no trial preceded entry of judgment).

APPEAL DISMISSED.¹

WILLIAMS, C.J., and GEATHERS and TURNER, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.