

The South Carolina Court of Appeals

Ortagus Bennett, Appellant,

v.

HyperFormance, LLC, Respondent.

Appellate Case No. 2024-002188

ORDER

Appellant appeals from an order denying his motion for claim and delivery. On March 10, 2025, Respondent moved to dismiss the appeal, arguing the order was not immediately appealable because it was not a final decision on the merits. Appellant did not file a return. After careful consideration, we grant Respondent's motion to dismiss because the order on appeal is interlocutory and not immediately appealable. *See 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"); 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"). The remittitur will be sent as required by Rule 221(b), SCACR.



FOR THE COURT

Columbia, South Carolina

cc:

FILED
May 01 2025

Ortagus Bennett
Bradford Neal Martin, Esquire
Laura Wilcox Howle Teer, Esquire