

# The South Carolina Court of Appeals

Michele Graham, Appellant,

v.

Cooper River Love and Charity Society (1920) and  
Cooper River Love and Charity Society (2015),  
Appellants,

Attorney General of the State of South Carolina,  
Intervenor, Respondent.

Appellate Case No. 2025-000209


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## ORDER

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On March 4, 2025, Respondent filed a motion to dismiss the appeal, arguing the the appealed orders were interlocutory and not immediately appealable. Appellants filed a return opposing the motion. After careful consideration, we dismiss the appeal because the orders are interlocutory and not immediately appealable. *See* 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"); *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 . . ."); *Watson v. Underwood*, 407 S.C. 443, 453, 756 S.E.2d 155, 160 (Ct. App. 2014) ("The denial of a motion for summary judgment is not appealable because it does not finally determine anything about the merits or strike a defense."); *McLendon v. S.C. Dep't of Highways & Pub. Transp.*, 313 S.C. 525, 526 n.2, 443 S.E.2d 539, 540 n.2 (1994) ("Like the denial of a motion for summary

judgment, the denial of a motion to dismiss does not establish the law of the case and the issue raised by the motion can be raised again at a later stage of the proceedings."); *Huntley v. Young*, 319 S.C. 559, 560, 462 S.E.2d 860, 861 (1995) (providing that when an order denying a motion pursuant a Rule 12(b)(6) of the South Carolina Rules of Civil Procedure "does not finally decide any issue, it is not directly appealable"); *Breland v. Love Chevrolet Olds, Inc.*, 339 S.C. 89, 93, 529 S.E.2d 11, 13 (2000) ("Currently, this Court does not allow immediate appellate review of the denial of any Rule 12(b), SCRCR motion."); *id.* ("Also, the denial of a Rule 12(c) motion is not immediately appealable."); *5Star Life Ins. Co. v. Peek Performance, Inc.*, 434 S.C. 334, 337 n.1, 863 S.E.2d 468, 470 n.1 (Ct. App. 2021) ("Because there was no final judgment, there was no order from which 5Star could move for relief pursuant to Rule 60(b)."). The remittitur will be sent as required by Rule 221(b), SCACR.



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FOR THE COURT

Columbia, South Carolina

**FILED**  
**May 15 2025**

cc:

Michele Graham

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Clyde H. Jones, Jr., Esquire

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