

# The South Carolina Court of Appeals

Mother Doe and Father Doe, Individually and as the  
Parents and Natural Guardians of Jane Doe, a minor,  
Respondents,

v.

Palmetto Preschool & Learning Center, LLC, Appellant.

Appellate Case No. 2025-000881

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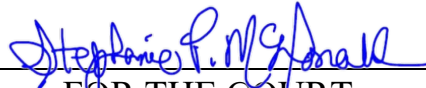
## ORDER

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On May 2, 2025, Appellant filed a notice of appeal challenging an order granting Respondents' motion for a protective order pursuant to Rule 26 of the South Carolina Rules of Civil Procedure. Appellant also challenges an order denying its motion to reconsider pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure. On May 6, 2025, Respondents filed a "motion to dismiss for immediate relief," arguing the orders were interlocutory and not immediately appealable. Further, Respondents requested this court lift the automatic stay so that scheduled depositions could occur. On May 7, 2025, this court requested an expedited return to the motion. On May 12, 2025, Appellant filed a return, arguing that although the granting of a protective order "*by itself*" is not immediately appealable, the order contained factual findings "that one could interpret to strike out parts of [Appellant]'s answer." Thus, Appellant argued the orders were immediately appealable pursuant to section 14-3-330(2) of the South Carolina Code (2017). Respondents did not file a reply.

After careful consideration, we dismiss this appeal because the orders on appeal are interlocutory and not immediately appealable. *See* S.C. Code Ann. § 14-3-330(1) (2017) (providing this court has appellate jurisdiction to review final judgments and interlocutory orders involving the merits); S.C. Code Ann. § 14-3-330(2)(c) (2017) (providing this court has appellate jurisdiction to review "[a]n order affecting a substantial right made in an action when such an order . . . 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, 303, 705 S.E.2d 475, 478 (Ct. App. 2011) (holding section 14-3-330(2) must be narrowly construed); *id.* at 304, 705 S.E.2d at 479 ("An order affects a substantial right by striking a pleading if the order removes a material issue from the case, thereby preventing the issue from being litigated on the merits, and preventing the party from seeking to correct any errors in the order during or after trial."); *Grosshuesch v. Cramer*, 377 S.C. 12, 30, 659 S.E.2d 112, 122 (2008) (explaining "discovery orders, in general, are interlocutory and are not immediately appealable"); *Waddell v. Kahdy*, 309 S.C. 1, 4, 419 S.E.2d 783, 785 (1992) (stating an order requiring a party to submit to a deposition is not immediately appealable); *Ex parte Whetstone*, 289 S.C. 580, 580, 347 S.E.2d 881, 881 (1986) ("We now hold that an order directing a non-party to submit to discovery is not immediately appealable."). Finally, we find Respondents' motion to lift the automatic stay during the pendency of the appeal is moot. Remittitur will issue in accordance with Rule 221(b) of the South Carolina Appellate Court Rules.

  
FOR THE COURT

Columbia, South Carolina

cc:

Robert Edward Kneece, III, Esquire

Julia M. Flumian, Esquire

Daniel W. Luginbill, Esquire

Whitney Boykin Harrison, Esquire

**FILED**  
**May 30 2025**