



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
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V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1015 SUMTER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
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October 22, 2013

Marcelo D. Garduno  
101 Brookfield Heights Rd.  
Columbia SC 29223

Re: Ethel Barber v. Marcelo Garduno  
Appellate Case No. 2013-001809

Dear Counsel:

Please see the attached order regarding the above matter. The parties are advised the remittitur will be sent as provided by Rule 221(b), SCACR.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: Stevens Bultman Elliott

# The South Carolina Court of Appeals

Ethel M. Barber, Respondent,

v.

Marcelo D. Garduno, Appellant.

Appellate Case No. 2013-001809

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## ORDER

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Appellant filed a notice of appeal from a default judgment. On August 29, 2013, this Court requested memoranda on appealability. As of the date of this order, this Court has not received a response. A defendant may not appeal a judgment entered after he failed to appear at a hearing. *Belue v. Belue*, 276 S.C. 120, 276 S.E.2d 295 (1981). Instead, a defendant should move to set aside the judgment under Rule 60(b), SCRPC. *Winesett v. Winesett*, 287 S.C. 332, 338 S.E.2d 340 (1985). Because Appellant failed to comply with this Court's August 29, 2013 letter and because the underlying order on appeal is an appealable order, this appeal is dismissed.

  
FOR THE COURT

Columbia, South Carolina

cc:  
Marcelo D. Garduno  
Stevens Bultman Elliott

**FILED**  
10/22/13 