

The South Carolina Court of Appeals

Sherman Green, Respondent,

v.

City of Columbia and George Simpson, Defendants,

of which George Simpson is the Appellant.

Appellate Case No. 2025-000902

ORDER

On May 14, 2025, the court dismissed the appeal, which stemmed from an order denying Appellant's motion for summary judgment, as interlocutory and not immediately appealable. Appellant filed a petition for rehearing, arguing the order denying summary judgment was immediately appealable because the order operated as a final decision on his assertion of a qualified immunity defense. After careful consideration, we reinstate the appeal. *See Mitchell v. Forsyth*, 472 U.S. 511, 527 (1985) (explaining "the court's denial of summary judgment finally and conclusively *determines the defendant's claim of right not to stand trial* on the plaintiff's allegations" (emphasis added)); *id.* at 530 ("We hold that a district court's denial of a claim of qualified immunity, to the extent that it turns on an issue of law, is an appealable 'final decision' within the meaning of 28 U.S.C. § 1291 notwithstanding the absence of a final judgment.").



FOR THE COURT

Columbia, South Carolina

cc:

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FILED
Jun 20 2025

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