

The South Carolina Court of Appeals

Boris Van Dyck and Boris Van Dyck, LLC,
Respondents,

v.

Woodlock Capital, LLC, Appellant.

Appellate Case No. 2025-002327

ORDER

Appellant filed an appeal from an order denying its motion to dismiss Respondents' action for declaratory judgment. The circuit court found the arbitration clause at issue failed to satisfy the requirements of the South Carolina Uniform Arbitration Act, and the transaction did not "trigger the application of the [Federal Arbitration Act]." As a result of these findings, the circuit court determined "the arbitration provision [was] ineffective and unenforceable as a matter of law." Upon receipt of the notice of appeal, this court requested the parties address the appealability of the orders in memoranda. After review of the memoranda, we allow this appeal to proceed for now. Although an order denying a motion to dismiss based upon a lack of subject matter jurisdiction is ordinarily not immediately appealable, we allow this appeal to proceed without prejudice to the parties arguing regarding the appealability of the order on appeal in their briefs. *See Allison v. W.L. Gore & Assocs.*, 394 S.C. 185, 188, 714 S.E.2d 547, 549 (2011) ("A circuit court order denying a motion to dismiss for lack of subject matter jurisdiction is not directly appealable because, among other things, it does not affect the merits."). This order does not finally determine whether the underlying ruling is subject to immediate review.



FOR THE COURT

J.

Columbia, South Carolina

cc:

Clayton B. McCullough, Esquire
Ellis Reed-Hill Lesemann, Esquire
Sarah Grace Heaton Benko, Esquire

FILED
Dec 22 2025