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Jan 02 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM CHESTER COUNTY
Thomas W. McGee II, Circuit Court Judge

Stephanie Jackson.....Respondent

City of Chester.....Appellant

MOTION TO DISMISS APPEAL FOR LACK OF SUBJECT MATTER

Respondent Stephanie Jackson, by and through undersigned counsel, respectfully moves this Court to dismiss the appeal filed by Appellant City of Chester for lack of appellate jurisdiction. The order from which Appellant purports to appeal is not a final judgment but rather an interlocutory order that neither disposes of all claims nor all parties. The order Appellant seeks to appeal does not fall within any statutory exception permitting interlocutory appeals. Accordingly, this Court lacks jurisdiction to hear this appeal, and it should be dismissed.

STATEMENT OF THE CASE

On December 29, 2025, the Honorable Thomas W. McGee, III issued an order on the parties' cross-motions for summary judgment. The order: (1) granted Respondent's Motion for Partial Summary Judgment as to *liability only* on her South Carolina Payment of Wages Act claim,

expressly reserving the determination of damages for the finder of fact; (2) found Appellant's motion as to the breach of contract claim moot; and (3) denied Appellant's Motion for Summary Judgment as to Respondent's unjust enrichment claim. This matter is currently scheduled for trial on January 5, 2025. On January 2, 2026, Appellant filed its Notice of Appeal from this interlocutory order.

The order at issue fails to satisfy this standard. It grants summary judgment only as to liability on one claim while expressly reserving damages for trial, finds another motion moot without disposing of the underlying claim, and denies summary judgment on a third claim that remains pending. With trial scheduled for January 5, 2025, and multiple issues left unresolved, the order is interlocutory rather than final and leaves substantial matters for the court to determine before the action can be concluded.

ARGUMENT

I. This Court Lacks Jurisdiction Because the Order Is Not a Final Judgment.

A fundamental rule of appellate procedure is that a judgment or order must usually be final before it can be appealed. *See Culbertson v. Clemens*, 322 S.C. 20, 23, 471 S.E.2d 163, 164 (1996) ("As a general rule, only final judgments are appealable."). Rule 201(a) SCACR, provides that an "appeal may be taken, as provided by law, from any final judgment or appealable order." The South Carolina Rules of Appellate Court Procedure reinforce this principle, providing that "an appeal may be taken, as provided by law, from any final judgment or appealable order." *Doe v. Howe*, 362 S.C. 212, 607 S.E.2d 354 (Ct. App. 2004).

A final judgment is one that "ends the action and leaves the court with nothing to do but enforce the judgment by execution." *Tillman v. Tillman*, 420 S.C. 246, 801 S.E.2d 757 (Ct. App. 2017). It must "dispose of the whole subject-matter or be a termination of the particular

proceedings or action, leaving nothing to be done but to enforce by execution what has been determined." *Kriti Ripley, LLC v. Emerald Invs., LLC*, 404 S.C. 367, 746 S.E.2d 26 (2013). The order at issue fails to satisfy this standard. It grants summary judgment only as to liability on one claim while expressly reserving damages for trial, finds another motion moot without disposing of the underlying claim, and denies summary judgment on a third claim that remains pending. With trial scheduled for January 5, 2025, and multiple issues left unresolved, the order is interlocutory rather than final and leaves substantial matters for the court to determine before the action can be concluded.

This matter has been pending since September 2022. After removal to and remand from federal court, the parties are finally prepared for trial, which is imminent. Appellant's filing of this appeal on the eve of trial from an order that is plainly not final appears calculated to delay these proceedings. The order Appellant seeks to appeal does not fall within any statutory exception permitting interlocutory appeals. Dismissal of this improper appeal will allow this long-pending case to proceed to the trial that both parties and the circuit court have prepared for. Accordingly, this Court should dismiss Appellant's appeal.

CONCLUSION

For the foregoing reasons, Respondent respectfully requests that this Court dismiss Appellant's appeal for lack of appellate jurisdiction.

Respectfully submitted,

s/ Marybeth Mullaney
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ATTORNEY FOR RESPONDENT
STATE OF SOUTH CAROLINA
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City of Chester.....Appellant

CERTIFICATE OF SERVICE

I, Marybeth Mullaney, in my capacity as attorney Stephanie Jackson, do hereby certify that on January 2, 2026, I served via electronic mail Respondent’s Motion To Dismiss for Lack of Subject Matter upon the below counsel of record for the City of Chester:

Tierney Goodwyn
Boykin & Davis LLC
220mStoneridge Drive, Suite 100
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s/Bennett Kessler
[Bennett Kesler](#)
Paralegal to Marybeth Mullaney

mm
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Via Email:

The Honorable Jenny Abbott Kitchings
Clerk, SC Court of Appeals
PO Box 11629
Columbia, SC 29211
ctappfilings@sccourts.org

Re: *Stephanie Jackson v. The City of Chester*
Common Pleas Civil Action No. 2022-CP-12-00434

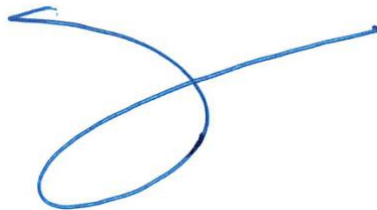
Dear Ms. Kitchings:

Enclosed for filing please find Respondent's Motion to Dismiss Appeal in the above-captioned matter. Respondent respectfully requests expedited consideration of this motion, as trial in the circuit court is imminent and the appeal is taken from a non-final interlocutory order.

Thank you for your attention to this matter.

With kind regards, I remain,

Sincerely,



Marybeth Mullaney

cc: Tierney F. Goodwyn, Esq.

Enclosure
MBM/dbk