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Feb 03 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas
Walter J. McLeod, Circuit Court Judge

Civil Action No. 2019-CP-32-0339
Appellate Case No. 2025-001470

M.C. Blease, Individually, and as Co-Trustee of the M.C. Blease et. al. Trust, the M.C. Blease BMB Irrevocable Trust, the M.C. Blease BMB Revocable Trust; Connie B. Reames, Individually, and as Co-Trustee of the M.C. Blease et. al. Trust, the M.C. Blease BMB Irrevocable Trust, the M.C. Blease BMB Revocable Trust; Rufus Eugene Trotter, as Co-Trustee of the M.C. Blease BMB Irrevocable Trust, the M.C. Blease BMB Revocable Trust; Alexis B. Gunter, Joseph B. Hammond, Charlton B. Sample, Sue B. Sample, Russel L. Sample, and John B. CrawfordAppellants,

v.

Little Giant ATM, Inc., Samuel Sturkie Jackson, Jr., Samuel Sturkie Jackson, III, Daniel “Frank” Shumpert, III, Daniel F. Shumpert, IV, Steven Davis, Boss Ramsey, John Quick, Dale Young, and D.M. Skip Mayes.....Respondents.

**RESPONDENT LITTLE GIANT ATM, INC.’S
MOTION TO DISMISS APPEAL AS INTERLOCUTORY**

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*Attorney for Respondent Little Giant
ATM, Inc.*

Pursuant to Rule 240, SCACR, Respondent Little Giant ATM, Inc. hereby moves for the dismissal of the above-captioned appeal on the grounds that the Orders that are the subject of the appeal are interlocutory and do not affect a substantial right of Appellants, as set forth in Section 14-3-330 of the South Carolina Code. The Order appealed from is entitled “Order Granting Defendants’ Motions for Summary Judgment in Part and Denying Summary Judgment in Part” (“Order”). (Order filed 5/22/2025).

MEMORANDUM IN SUPPORT OF MOTION TO DISMISS

This action arises out of Defendant Samuel Sturkie Jackson, Jr.’s (“Sam Jackson”) misuse of funds delivered to him by Appellants. (Order filed 5/22/2025, p. 3). Sam Jackson was at all times an employee of Little Giant. *Id.* In an effort to recover the funds, Appellants brought this action and alleged the following causes of action against all of the named defendants:

1. Breach of Contract;
2. Breach of Contract Accompanied by a Fraudulent Act;
3. Unjust Enrichment/Quantum Meruit;
4. Conversion;
5. Breach of Fiduciary Duty;
6. Negligence;
7. Unfair Trade Practices; and
8. Piercing the Corporate Veil.

(Order filed 5/22/2025 at p. 4).

The Order that is the subject of this appeal is an Order for partial summary judgment. The Order does not finally end the case, nor does it prevent a final judgment

from which Appellants could appeal. Indeed, Appellants retain all eight of their causes of action against two of the defendants. As such, they could potentially obtain a final judgment for the entire amount of their alleged losses against those defendants.

Regarding the Order's impact on the claims against Defendant Little Giant, some, but not all, of the claims against Little Giant were dismissed. The Order notes that of the funds at issue, only \$250,000 were checks actually written to Little Giant. Thus, the Order allows Plaintiffs' claims against Little Giant to continue to the extent Plaintiffs wrote checks to Little Giant. Thus, claims against Little Giant in the total amount of \$250,000 still remain.

It is well-settled that the "determination of whether a trial court's order is immediately appealable is governed by statute." *Morrow v. Fundamental Long-Term Care Holdings, LLC*, 412 S.C. 534, 537, 773 S.E.2d 144, 145 (2015). Section 14-3-330 of the South Carolina Code (1977 & Supp. 2015) provides that:

The Supreme Court shall have appellate jurisdiction for correction of errors of law in law cases, and shall review upon appeal:

- (1) Any intermediate judgment, order or decree in a law case involving the merits in actions commenced in the court of common pleas and general sessions, brought there by original process or removed there from any inferior court or jurisdiction, and final judgments in such actions; provided, that if no appeal be taken until final judgment is entered the court may upon appeal from such final judgment review any intermediate order or decree necessarily affecting the judgment not before appealed from;
- (2) An order affecting a substantial right made in an action when such order (a) in effect determines the action and prevents a judgment from which an appeal might be taken or discontinues the action, (b) grants or refuses a new trial or (c) strikes out an answer or any part thereof or any pleading in any action;
- (3) A final order affecting a substantial right made in any special proceeding or upon a summary application in any action after judgment; and

(4) An interlocutory order or decree in a court of common pleas granting, continuing, modifying, or refusing an injunction or granting, continuing, modifying, or refusing the appointment of a receiver.

S. C. Code Section 14-3-330.

Our appellate courts have consistently construed this statute such that an appeal may ordinarily be pursued only after a party has obtained a final judgment. *See Ex parte Capital U-Drive-It, Inc.*, 369 S.C. 1, 6, 630 S.E.2d 464, 467 (2006). “Absent a specialized statute, an order must fall into one of several categories set forth in [s]ection 14-3-330 in order to be immediately appealable.” *Id.* at 6, 630 S.E.2d at 467. “An order ‘involves the merits,’ as that term is used in [s]ection 14-3-330(1)[,] and is immediately appealable when it finally determines some substantial matter forming the whole or part of some cause of action or defense.” *Id.* at 7, 630 S.E.2d at 467. “The phrase ‘involving the merits’ is narrowly construed.... An order usually will be deemed interlocutory and not immediately appealable when there is some further act that must be done by the trial court prior to a determination of the parties’ rights.” *Id.* at 7, 630 S.E.2d at 467-68.

In this case, Appellants retain significant claims against Little Giant. Defendants retained all off their claims against Defendants Samuel Sturkie Jackson, Jr. and Samuel Sturkie Jackson, III, and stand to be made whole if they prevail on those claims. Since there are significant further acts that must be done by the trial court prior to a final determination of Appellants’ rights, the Order granting partial summary judgment in this case is interlocutory and is not immediately appealable.

In order to avoid piecemeal appeals, our appellate courts narrowly construe Section 14-3-330. *See Hagood v. Sommerville*, 362 S.C. 191, 607 S.E.2d 707 (2005). “The basic

policy behind denying immediate review of pretrial motions is avoidance of piecemeal litigation where the rights of the parties have not been substantially impacted.” *Breland v. Love Chevrolet Olds, Inc.*, 339 S.C. 89, 94, 529 S.E.2d 11, 13 (2000). Thus, an order that does not finally end a case or prevent a final judgment from which a party could appeal is not immediately appealable. *Hagood*, 362 S.C. at 195, 607 S.E.2d at 709. Therefore, an order is not immediately appealable when plaintiffs “have not ‘arrived at the end of the road’ and [would] be able to appeal the decision after the trial [wa]s finished.” *Baldwin Constr. Co. v. Graham*, 357 S.C. 227, 230, 593 S.E.2d 146, 147 (2004).

CONCLUSION

Based on the foregoing, this appeal should be dismissed as interlocutory. The lower court’s Order granting partial summary judgment is not the end of the road for Appellants. Significant claims still exist against Defendants Daniel “Frank” Shumpert, III and Little Giant ATM, LLC, and Appellants may pursue all of their claims against Defendants Samuel Sturkie Jackson, Jr. and Samuel Sturkie Jackson, III.

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PROOF OF SERVICE

I certify that I have served Respondent’s Motion to Dismiss Appeal as Interlocutory, via electronic mail, upon the below listed attorneys of record as properly addressed below this 3rd day of February, 2026:

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February 3, 2026

Via Email and U.S. Mail

Hon. Jenny Abbott Kitchings
Clerk of Court
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ctappfilings@sccourts.org

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Re: M.C. Blease, et al. v. Little Giant ATM, Inc., et al.
Appellate Case No.: 2025-001470

Dear Ms. Kitchings:

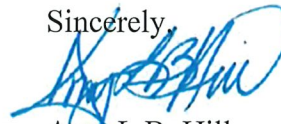
Please find enclosed with this letter the following:

1. Respondent's Motion to Dismiss the Appeal as Interlocutory
2. Respondent's Motion for an Extension to file Initial Brief and Designation of Matter
3. Proofs of Service for the Same

A hard copy of this letter is being mailed to the Court of Appeals along with the filing fees for the two motions totaling \$100.00.

If your office has any questions or concerns, please contact me. Otherwise, I respectfully request that the motions be filed and a clocked-in copy be returned to me via electronic mail.

Sincerely,


Amy L.B. Hill

ALBH/ljj
Enclosures

cc: All Counsel of Record