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May 01 2026

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

Honorable Circuit Court Judge Dianne S. Goodstein
Circuit Court Case Number 2024-CP-08-03367

Appellate Case No. 2026-000034

Stephanie Lehman,

Respondent,

v.

Berkeley County School District
and Anne-Magill Payne,
individually, and as an agent of
Berkeley County School District,

of whom Berkeley County School
District
is Appellant,

Appellant.

RESPONDENT'S MOTION TO DISMISS APPEAL AS INTERLOCUTORY

Emmanuel J. Ferguson, Sr.
FERGUSON LAW AND MEDIATION, LLC
171 Church Street, Suite 160
Charleston, SC 29401
(843) 491-4890
emmanuel@fergusonlaborlaw.com

Attorney for Respondent Stephanie Lehman

Charleston, South Carolina
May 1, 2026

TO THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS:

Respondent, Stephanie Lehman, by her counsel undersigned, moves this Court pursuant to Rule 240, SCACR, for an order dismissing this appeal as interlocutory and not immediately appealable. Appellant seeks review of two pretrial orders, the Order filed November 6, 2025, denying Appellant's Motion to Strike and for More Definite Statement and the Form 4 Order filed December 8, 2025 denying Appellant's Motion to Alter or Amend. Neither order ends the case, resolves any cause of action or defense, or results in a final judgment.

Because the right of appeal is statutory and immediate appealability is limited to the categories set forth in S.C. Code Ann. § 14-3-330, this appeal should be dismissed for lack of statutory authorization. A memorandum with citation of authorities is filed contemporaneously with this Motion as required by Rule 240(c)(2), SCACR.

WHEREFORE, Respondent respectfully requests that the Court dismiss the appeal as interlocutory, and grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

s/ Emmanuel J. Ferguson, Sr.
Emmanuel J. Ferguson, Sr.
FERGUSON LAW AND MEDIATION, LLC
South Carolina Bar #81431
171 Church Street, Suite 160
Charleston, South Carolina 29401
Telephone: 843.491.4890
emmanuel@fergusonlaborlaw.com

Attorney for Respondent

Date: May 1, 2026

Other Counsel of Record:

ATTORNEY FOR APPELLANT:

Mr. Bob J. Conley, Esquire
126 Seven Farms Drive, Suite 200
Charleston SC 29492

**ATTORNEY FOR DEFENDANT
ANNE-MAGILL PAYNE:**

John W. Fletcher
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211 King Street, Suite 300
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v.

Berkeley County School District and Anne-
Magill Payne, individually, and as an agent
of Berkeley County School District,

of whom Berkeley County School District
is Appellant,

Appellant.

**PROOF OF SERVICE OF MOTION FOR MOTION TO DISMISS APPEAL AS
INTERLOCUTORY**

Emmanuel J. Ferguson
S.C. Bar # 81431
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Attorney for Respondent

Pursuant to Section (d)(1) of the Supreme Court's Order Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (As Amended May 6, 2022), the undersigned counsel for Respondent, Stephanie Lehman, does hereby certify that service of the **MOTION TO DISMISS APPEAL AS INTERLOCUTORY** and Memorandum in Support in the above-captioned matter was made upon Respondent by email on this date as follows:

ATTORNEY FOR APPELLANT:

Mr. Bob J. Conley, Esquire
126 Seven Farms Drive, Suite 200
Charleston SC 29492

**ATTORNEY FOR DEFENDANT
ANNE-MAGILL PAYNE:**

John W. Fletcher
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S/Emmanuel J. Ferguson
Emmanuel J. Ferguson, Esquire

Charleston, South Carolina
Date: May 1, 2026

FERGUSON LAW AND MEDIATION, LLC

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May 1, 2026

Via Email Only

The Honorable Jenny Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211
ctappfilings@sccourts.org

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Re: *Lehman v. Berkeley County School District, et. al*
Court of Appeals Case No. 2026-000034

Dear Madam Clerk:

Enclosed for filing is a Motion to Dismiss Appeal as Interlocutory and Memorandum in Support. Also enclosed is the Proof of Service of the Motion.

A check for filing fee of \$50.00 is being sent separately by mail.

RESPECTFULLY SUBMITTED,

s/ Emmanuel J. Ferguson, Sr.

Emmanuel J. Ferguson, Sr. (SC Bar No. 81431)
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Telephone - (843) 491-4890

Enclosure: as stated

cc: Bob J. Conley, Esq.