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Jun 15 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SUMTER COUNTY
R. Kirk Griffin, Circuit Court Judge

Appellate Case No. 2026-001251
Case No. 2022-CP-43-00728

Jawana Wilson as Personal Representative of the
Estate of Janet Wilson, Appellant,

v.

Sumter County Sheriff's Office, Respondent.

RESPONDENT'S APPEALABILITY MEMORANDUM

This is an appeal from the trial court's order filed April 27, 2026, granting the Motion to Bifurcate filed by the Respondent Sumter County Sheriff's Office. On May 27, 2026, the Appellant Jawana Wilson, as Personal Representative of the Estate of Janet Wilson, filed a Notice of Appeal, stating her intent to appeal three orders issued by Circuit Court Judge R. Kirk Griffin. In the order filed April 27, 2026, the trial court vacated the initial order filed December 15, 2025, and substituted that order for the one vacated. Thereafter, the trial court denied a Motion to Reconsider by Form Order filed May 5, 2026. After the filing of the Notice on

Appeal, the Court of Appeals issued a letter dated June 3, 2026, requesting that both parties address the “issue of appealability.”¹

In the orders on appeal, the trial court ordered the bifurcation of the Appellant’s employment-related claim and the motor vehicle accident claim. The trial court determined that “bifurcation of the employment related causes of action is warranted solely because of danger of unfair prejudice to the Defendant.” *See*, Order filed April 17, 2026, p. 1. The trial court explained that “much of the evidence relevant to the employment-related claims and issues would be likely inadmissible in a trial related to a single vehicle accident” and that “[s]uch evidence would also run the risk of inflaming the jury.” *See*, Order filed April 17, 2026, p. 2. Furthermore, the trial court made “no findings or conclusions as to the mode of trial beyond granting the Defendant’s motion for bifurcation,” with any mode of trial determination being “left to the sound discretion of the presiding trial judge.” *See*, Order filed April 17, 2026, p. 3.

The Respondent Sheriff’s Office submits that the orders on appeal are interlocutory and not subject to an immediate appeal under S.C. Code Ann. § 14-3-330. As a result, the appeal should be dismissed for lack of appellate jurisdiction.

The right of appeal arises from and is controlled by statutory law, specifically S.C. Code Ann. § 14-3-330. *Hagood v. Sommerville*, 362 S.C. 191, 607 S.E.2d 707, 708 (2005). “An appeal ordinarily may be pursued only after a party has obtained a final judgment.” *Id.* “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, 759 (Ct. App. 2017).

¹ While the burden of demonstrating appellate jurisdiction falls on the appealing party, the Respondent is addressing the “issue of appealability” without the benefit of having the Appellant’s position. Therefore, the Respondent is, at best, anticipating the arguments that may be made by the Appellant.

“An order reserving an issue, or leaving open the possibility of further action by the trial court before the rights of the parties are resolved, is interlocutory.” *Id.*

Under Section 14-3-330(1), an interlocutory order “involving the merits” is subject to an immediate appeal. An order “involves the merits,” however, when it “finally determines some substantial matter forming the whole or a part of some ... defense.” *Jefferson by Johnson v. Gene’s Used Cars, Inc.*, 295 S.C. 317, 368 S.E.2d 456, 456 (1988). Additionally, “[i]nterlocutory orders affecting a substantial right may be immediately appealed pursuant to § 14-3-330(2). Orders affecting a substantial right discontinue an action, prevent an appeal, grant or refuse a new trial, or strike out an action or defense.” *Edwards v. SunCom*, 369 S.C. 91, 631 S.E.2d 529, 530 (2006). As our Supreme Court has stated, “[t]he provisions of Section 14-3-330, including subsection (2), have been narrowly construed and an immediate appeal of various orders issued before or during trial generally has not been allowed. Piecemeal appeals should be avoided, and most errors can be corrected by the remedy of a new trial.” *Hagood*, 607 S.E.2d at 709.

Based on the foregoing authority, it is well-established that an order granting or denying a Rule 42(b) motion for bifurcation is not immediately appealable pursuant to Section 14-3-330. The Supreme Court’s decision in *Flagstar Corp. v. Royal Surplus Lines*, 341 S.C. 68, 533 S.E.2d 331 (2000), is controlling. In that case, the Supreme Court recognized that an order bifurcating claims or issues for trial is not immediately appealable. The Supreme Court explained that “after trial, [an aggrieved party] will be free to advance on appeal that the trial judge abused his discretion in ordering bifurcation and that it has thereby been effectively deprived of a fair and/or fully informed fact finder.” 533 S.E.2d at 333. The Supreme Court observed that “trial of all issues in the case in a single proceeding is not a mode of trial to which parties are entitled as a

matter of right.” *Id.* Accordingly, “[a]ny abuse of discretion on the part of the trial court in severing issues for trial may be appealed after the trial, and after full development of the evidence.” 533 S.E.2d at 334. Similarly, in *Senter v. Piggly Wiggly Carolina Co., Inc.*, 341 S.C. 74, 533 S.E.2d 575 (2000), the Supreme Court found that an order denying a motion for bifurcation of issues for trial in a personal injury case is not immediately appealable for the same reasons.

It is anticipated that the Appellant will cite the case of *Morrow v. Fundamental Long-Term Care Holdings, LLC*, 412 S.C. 534, 773 S.E.2d 144 (2015), in which the Supreme Court determined that the order on appeal, while “ostensibly under the label of ‘bifurcation,’” actually “severed a number of defendants from this lawsuit.” 773 S.E.2d at 144. The Supreme Court held that “the order went far beyond our common understanding of bifurcation, thereby affecting a substantial right of the petitioners.” *Id.* Notably, the Supreme Court did not overrule its decisions in *Flagstar* and *Senter*. Instead, the Supreme Court found that “[t]he trial court’s order is quite distinct from other orders of bifurcation which have come before the Court,” which was a reference to *Flagstar* and *Senter*. 773 S.E.2d at 147.

The present case involves a bifurcation question similar to *Flagstar* and *Senter*, rather than *Morrow*. Here, the trial court made it clear that the bifurcation of claims, as ordered, was based solely on the “danger of unfair prejudice” to the Sheriff’s Office under a Rule 404(b) analysis because evidence of alleged employment-related “prior bad acts” is not admissible in adjudicating whether a motorist is at fault for an auto accident. That is a use of the bifurcation tool that squarely falls within a trial judge’s discretion under Rule 42(b). In contrast, in *Morrow*, the Supreme Court declined “to base [its] decision on the manner in which the motion was characterized – one of bifurcation.” *Morrow*, 773 S.E.2d at 147. *Morrow*, in essence, is not a

“bifurcation” case. Simply stated, the Appellant in the case at bar does not enjoy a “substantial right” to try all issues or claims in a single proceeding, nor to present evidence of alleged employment-related “prior bad acts” to unduly or unfairly influence the jury in adjudicating fault for a motor vehicle accident. *See, Flagstar*, 533 S.E.2d at 333.

In sum, this Court lacks appellate jurisdiction over this appeal. The bifurcation orders on appeal are not subject to an immediate appeal. Without dispute, the orders do not end the case. The case remains to be tried. Moreover, if the trial court has committed an abuse of discretion in granting the bifurcation, that error can be corrected after final judgment by the ordering of a new trial. Unlike in *Morrow*, the Appellant is not being deprived of any “substantial right” to determine what parties to sue. For these reasons, the Court is respectfully asked to dismiss the appeal as interlocutory and not immediately appealable under Section 14-3-330.

Respectfully submitted,

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Sumter County Sheriff's Office, Respondent.

CERTIFICATE OF SERVICE

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 April 24, 2024), the undersigned employee of the Lindemann Law Firm, P.A., counsel for the Respondent, does hereby certify that service of the **Notice of Appearance** and **Respondent's Appealability Memorandum** was made upon all counsel of record by email only this the 15th day of June 2026, as follows:

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Via Email Only

The Honorable Jenny Abbott Kitchings

Clerk of Court

South Carolina Court of Appeals

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SC Court of Appeals

RE: Jawana Wilson as Personal Representative of the Estate of Janet Wilson v. Sumter County
Sheriff's Office

Appellate Case Number: 2026-001251

Civil Action Number: 2022-CP-43-00728

Our File Number: 290.20911

Dear Ms. Kitchings:

Pursuant to Section (b)(2) of the Supreme Court's Order RE: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (as Amended April 24, 2024), please find enclosed for filing the following documents:

1. Notice of Appearance
2. Respondent's Appealability Memorandum

By copy of this letter, I am serving copies on all counsel of record by email only pursuant to Section (d)(1) of the same Supreme Court Order

If you have any questions, please advise. Thank you for your assistance.

Sincerely,

LINDEMANN LAW FIRM, P.A.

Andrew F. Lindemann

AFL/

Enclosures

cc: F. Elliott Quinn, Esquire (w/ Enclosures, Via Email Only)
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