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Jun 29 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from the Court of Common Pleas, County of Greenville, Thirteenth Judicial Circuit

Christopher Jones, Jane Freeman, and Shaynia Mayes,

Appellants,

v.

Perelli Auto Sales and Cesar Perelli,

Respondents.

Appellate Case No. 2026-001354

**APPELLANTS' MOTION FOR REHEARING OR RECONSIDERATION AS TO THE
DISMISSAL OF THE APPEAL FROM ORDER NO. 1, WHICH OPERATES AS A
FINAL DETERMINATION OF RESPONDENTS' RIGHT TO ASSERT A CLAIM-AND-
DELIVERY COUNTERCLAIM**

Pursuant to Rule 221, SCACR, Appellants Christopher Jones, Jane Freeman, and Shaynia Mayes (“Appellants”), appearing pro se, respectfully move this Court to reconsider and vacate its Order of June 18, 2026, dismissing this appeal, solely insofar as that Order dismissed Appellants' appeal from the circuit court's order granting Respondents' motion to amend their answer to assert a claim-and-delivery counterclaim (“Order No. 1”). Appellants do not seek reconsideration of the dismissal as it pertains to the separate order compelling discovery responses, and that portion of the Court's Order should remain undisturbed.

I. INTRODUCTION AND GROUNDS FOR RECONSIDERATION

1. This Court's June 18, 2026 Order dismissed the appeal as to both orders below on the ground that “neither order is immediately appealable,” citing *Collins v. Sigmon*, 299 S.C. 464, 385 S.E.2d 835 (1989), among other authorities concerning the general non-appealability of orders permitting amendment of pleadings and discovery orders.

2. Appellants respectfully submit that the Order overlooked or misapprehended a controlling distinction: Order No. 1, insofar as it grants Respondents leave to assert a claim-and-delivery counterclaim, is not an ordinary, open-ended amendment order. It is a final, unconditional, and complete determination that Respondents may invoke the summary remedy of claim and delivery under S.C. Code Ann. § 15-69-10 et seq. Nothing remains for the circuit court to decide on that question. The order does not give Respondents an opportunity to attempt something that may or may not succeed — it conclusively grants the right itself.

3. South Carolina law distinguishes between orders that leave a matter unresolved, pending further proceedings in the circuit court, and orders that finally and conclusively dispose of a discrete issue while the remainder of the case continues. The former are interlocutory; the latter are immediately appealable notwithstanding the continued pendency of the action. See *Mid-State Distribs., Inc. v. Century Importers, Inc.*, 310 S.C. 330, 335, 426 S.E.2d 777, 780 (1993) (“If there is some further act which must be done by the court prior to a determination of the rights of the parties, then the order is interlocutory.”). Because no further act by the circuit court is required to determine whether Respondents may pursue claim and delivery — that question has been finally decided — Order No. 1 falls outside the category of orders *Collins v. Sigmon* addressed.

II. ORDER NO. 1 OPERATES AS A FINAL DECISION ON THE CLAIM-AND-DELIVERY COUNTERCLAIM, DISTINGUISHING IT FROM THE ORDINARY AMENDMENT ORDER ADDRESSED IN COLLINS v. SIGMON

4. Collins v. Sigmon held that an order permitting amendment of pleadings is, as a general matter, interlocutory and not immediately appealable until final judgment. 299 S.C. at 466, 385 S.E.2d at 836. That rule rests on the premise that an amendment order does not finally settle anything — the amended claim or defense must still be litigated to a result, and the correctness of allowing the amendment can be reviewed, without prejudice, after final judgment. That premise does not hold here. The question Order No. 1 resolved was not whether a new legal theory could be added to be litigated to a result; it was whether Respondents may invoke an independent statutory remedy — claim and delivery — that operates entirely outside the merits of this action. That question has been finally and completely answered. Respondents do not need to prove, or even further litigate, their entitlement to invoke claim and delivery before the sheriff acts; they need only follow the procedure in S.C. Code Ann. § 15-69-30 through § 15-69-80, which Order No. 1 has now cleared the way for them to do.

5. The Supreme Court's reasoning in analogous contexts confirms that an order need not fit the literal categories of S.C. Code Ann. § 14-3-330(2) word-for-word to be immediately appealable, where the order finally and conclusively resolves a discrete right and later appellate review of that resolution would be meaningless. In Hagood v. Sommerville, 362 S.C. 191, 607 S.E.2d 707 (2005), the Supreme Court held an order disqualifying a party's chosen attorney was immediately appealable as affecting a substantial right, even though disqualification orders do not, by their terms, “determine the action,” “prevent a judgment,” or “discontinue the action” within the literal language of § 14-3-330(2)(a). The Court held the order “implicitly falls within the statutory

definition of a substantial right” and expressly found persuasive the argument that a litigant would find it “difficult or impossible to show prejudice resulting from the disqualification order in a later appeal.” 362 S.C. at 195–97, 607 S.E.2d at 709–10. The same reasoning applies here: once Respondents are permitted to pursue claim and delivery and the vehicles are taken under the sheriff's writ, no later appeal from final judgment can restore the parties to the position they occupied before Order No. 1 was entered, because the precise question decided by Order No. 1 — whether Respondents may invoke that remedy at all — will already have been finally answered and acted upon.

6. The Supreme Court's decision in *Lebovitz v. Mudd*, 289 S.C. 476, 479, 347 S.E.2d 94, 96 (1986), is directly instructive. There, the Supreme Court held that an order granting a motion to dismiss as to one of several claims was immediately appealable because it conclusively struck that claim from the case, even though the remainder of the multi-claim action continued. In the same decision, the Supreme Court also held that an order cancelling a notice of *lis pendens* is directly appealable under § 14-3-330, citing as authority *Virginia-Carolina Chemical Co. v. Wilkins*, 105 S.C. 291, 89 S.E. 659 (1916), which held an order dissolving an attachment is likewise directly appealable. *Id.* Orders affecting provisional remedies tied to specific property — attachment, *lis pendens*, and by the same reasoning, claim and delivery — have thus long been treated by South Carolina courts as conclusively resolving a discrete right separable from the remaining merits of the case, even though the underlying action continues. Order No. 1 fits squarely within that line of authority: it conclusively resolves, once and for all, Respondents' right to invoke the claim-and-delivery remedy against specific, identified property, just as the orders in *Lebovitz* and *Virginia-Carolina Chemical* conclusively resolved the parties' rights as to a discrete claim and a provisional property remedy, respectively.

7. Order No. 1 is readily distinguishable from this Court's decision in *Tillman v. Tillman*, 420 S.C. 246, 801 S.E.2d 757 (S.C. Ct. App. 2017), and from the older authority on which *Tillman* relied, *Cureton v. Hutchinson*, 3 S.C. 606 (1872). In both of those cases, the appealing party's own claims remained unresolved because that party's own motion to amend remained pending and uncertain — in *Tillman*'s words, the fate of the claims at issue had “not been finally determined” as long as the motion to amend “hangs in the balance.” Here, by contrast, nothing hangs in the balance on the question Order No. 1 decided. Respondents' leave to assert the claim-and-delivery counterclaim was not granted conditionally, or subject to a further motion that might still be denied; it was granted outright and without qualification. There is no future circuit court ruling that could still go the other way on the question whether Respondents may invoke claim and delivery. That is precisely the distinction *Tillman* itself drew between an order that finally resolves an issue and one whose outcome remains pending further proceedings.

8. Appellants recognize that this Court's Order also cited *Grosshuesch v. Cramer*, *Davis v. Parkview Apartments*, and *Hamm v. S.C. Pub. Serv. Comm'n*, each of which concerns the non-appealability of discovery orders. Those authorities are inapposite to Order No. 1, which did not compel discovery but instead finally and conclusively determined Respondents' right to invoke an independent statutory remedy. Appellants raise no objection to the application of those authorities to the separate discovery order and do not seek reconsideration on that point.

**III. RECONSIDERATION WILL NOT PREJUDICE RESPONDENTS AND IS
NECESSARY BECAUSE THE QUESTION DECIDED BY ORDER NO. 1 CANNOT BE
MEANINGFULLY REVISITED LATER**

9. Reconsideration of the dismissal as to Order No. 1 alone imposes no prejudice on Respondents. Respondents' counterclaim remains pending in the circuit court regardless of the outcome of this motion; reconsideration would only restore Appellants' ability to obtain appellate review of the order that finally and conclusively granted Respondents the right to invoke claim and delivery.

10. Absent reconsideration, the question whether the circuit court properly granted leave to assert the claim-and-delivery counterclaim will never receive meaningful appellate review. By the time of any final judgment in this action, Respondents' right to have pursued claim and delivery will already have been exercised or not; there will be nothing left for this Court to remedy on that specific question, because the order finally decided it before any final judgment was entered. This is precisely the circumstance Hagood v. Sommerville identified as warranting immediate appealability notwithstanding the literal language of § 14-3-330(2)(a).

IV. RELIEF REQUESTED

WHEREFORE, Appellants respectfully request that this Court:

- (a) Grant this Motion for Rehearing or Reconsideration as to the dismissal of the appeal from Order No. 1 (the order granting Respondents' motion to amend their answer to assert a claim-and-delivery counterclaim) only;
- (b) Vacate the portion of the June 18, 2026 Order dismissing the appeal from Order No. 1, and reinstate that appeal for review on the merits; and

(c) Grant such other and further relief as this Court deems just and proper.

Appellants do not request, and this Motion does not seek, reconsideration of the dismissal of the appeal from the separate order compelling discovery responses.

Respectfully submitted,

s/Christopher Jones
Christopher Jones, Pro Se Appellant

s/Jane Freeman
Jane Freeman, Pro Se Appellant

—
s/Shaniya Mayes
Shaynia Mayes, Pro Se Appellant

Date: June 29, 2026

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CERTIFICATE OF SERVICE

I hereby certify that on June 29, 2026, a true and correct copy of the foregoing Motion for Rehearing or Reconsideration was served upon the following by first-class United States mail, postage prepaid, and/or by electronic filing through the South Carolina electronic court filing system:

Larry Lee Plumblee, Esquire
Counsel for Respondents Perelli Auto Sales and Cesar Perelli

s/ Christopher Jones
Christopher Jones