

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

Jun 30 2026

SC Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

Vernon F. Dunbar, Circuit Court Judge

Circuit Court Case No. 2025-CP-37-01075
Appellate Case No. 2026-001328

Synchrony Bank.....Respondent,

v.

Julie Dalen.....Appellant.

MEMORANDUM OF LAW: APPEALABILITY

Laura C. Tesh, S.C. Bar No. 68526
Adam S. Tesh, S.C. Bar No. 68555
Joseph E. Brown, S.C. Bar No. 9085
LLOYD & MCDANIEL
233 N. Main Street, Suite 7
Greenville, SC 29609
(864) 605-3832 ext 4005
ltesh@lloydmc.com

Attorneys for Respondent

By letter dated June 23, 2026, Ms. Jasmine D. Smith, Deputy Clerk of the Court of Appeals, stated that the Court had reviewed the orders on appeal and determined that they may not be appealable. Accordingly, the Court requested that the parties file and serve a memorandum of law addressing appealability within 10 days. Thus, the parties' memoranda are due by July 3, 2026. Respondent's memo is hereby submitted in accordance with the Court's request. Respondent notes that Ms. Dalen has improperly named The State as Respondent in her Notice of Appeal. The State is not a party to this action.

Unauthorized Practice of Law

As a preliminary matter, upon information and belief, Ms. Dalen's husband has been preparing and continues to prepare pleadings and filings on her behalf. Her initial motion on the cover sheet stated, "John Dalen, Counsel—crossed off under duress." He argued extensively at the hearing below that he had a right to represent and speak for his wife. Mr. Dalen is not a party to this case, nor a member of the South Carolina Bar.

Ms. Dalen argues that coverture allows her husband to represent her. "In South Carolina, the unity of spouses and the disability of coverture as affecting litigation have been abolished. *McCall v. Bangs*, 262 S.C. 657, 207 S.E.2d 91 (1974). Thus, in South Carolina, the acts of one spouse are not, as a matter of law, imputed to the other spouse." *McCracken v. Gov't Employees Ins. Co.*, 284 S.C. 66, 325 S.E.2d 62 (1985).

In jurisdictions where the common-law disability of coverture has been completely abolished, as is the case in South Carolina, the better reasoned decisions hold that a statute of limitations is applicable between husband and wife during coverture. At least several jurisdictions, however, still follow the rule of inapplicability adopted prior to the removal of disabilities, even though disabilities have apparently been now completely removed.

The common-law theory of unity or identity of the spouses and the disability of coverture, insofar as they affect litigation have long since been completely abolished in this jurisdiction. Section 10-216 of the Code reads as follows: 'Action

by and against married woman. A married woman may sue and be sued as if she were unmarried. When the action is between herself and her husband, she may likewise sue or be sued alone.’ This Code section had as its genesis an Act of the General Assembly, 1870 (14) Section 137, and was last amended in 1925, now nearly 50 years ago. In the case of *Bryant v. Smith, et ux.*, 187 S.C. 453, 198 S.E. 20, the Court had occasion to review a number of our Married Women’s Emancipation or Enabling Acts, including the Code section above quoted, then part of Section 400 of the 1932 Code, and concluded its review with the following language:

‘As the result of these successive legislative steps in the direction of a larger liberty and a corresponding responsibility, we think that the law of servitude in marriage is repealed in this State. An analysis of the broad and comprehensive language of Sec. 400 shows that the legislature meant to complete the work of emancipation, and to give married women all the rights and remedies possessed by unmarried women, and to subject them to all of the laws of the State, without reference to the marital relation.’

McCall v. Bangs, 262 S.C. 657, 207 S.E.2d 91 (1974).

The argument that one layperson can represent another with permission also fails. “Under former S.C. Code Ann. § 40-5-80 (1986), a citizen could represent another with leave of the court. This section was recently amended to omit a citizen’s right to defend or prosecute the cause of another effective June 5, 2002.” *Housing Authority of the City of Charleston v. Key*, 352 S.C. 26 at n.3, 572 S.E.2d 284 (2002). Our Supreme Court held that such behavior constituted the unauthorized practice of law and enjoined him from further engaging in such conduct.

The practice of law includes the preparation of pleadings and the management of court proceedings on the behalf of client.... The fact that respondent accepted no remuneration for his services is irrelevant. Our purpose in regulating the practice of law is to protect the public from the negative consequences of erroneously prepared legal documents or inaccurate legal advice given by persons untrained in the law.... We note respondent has shown no indication he intends to discontinue his practice of representing others in court.

Id. at 28. S.C. Code Ann. § 40-5-310 provides:

No person may either practice law or solicit the legal cause of another person or entity in this State unless he is enrolled as a member of the South Carolina Bar pursuant to applicable court rules, or otherwise authorized to perform prescribed legal activities by action of the Supreme Court of South Carolina. The type of

conduct that is the subject of any charge filed pursuant to this section must have been defined as the unauthorized practice of law by the Supreme Court of South Carolina prior to any charge being filed. A person who violates this section is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years, or both.

Nor is this Mr. Dalen's first foray into the appellate courts. *See Federal Nat'l Mortgage Ass'n v. Dalen et al.*, Op. No. 2019-UP-238 (S.C. Ct. App. July 3, 2019); *Dalen v. The State*, Op. No. 2020-UP-323 (S.C. Ct. App. Dec. 2, 2020); *Dalen v. The State*, Case No. 21-7237 (Pet. Writ Cert. U.S. Sup. Ct. Feb. 24, 2022). In distinction to the case at bar, in the first case, both John and Julie Dalen were involved in that foreclosure action. In the second case, Mr. Dalen brought the action against The State for his conviction of driving without a license. Thus, importantly, in both of those cases, he was a party to the action. Thus, Respondent respectfully requests that this Court refer this matter as it deems appropriate and/or advises the Dalens of the illegality of these actions. Respondent merely wishes to bring this issue to the Court's attention at an early juncture in this appeal.

Regarding appealability, the only issue which is potentially immediately appealable is arguably the Court's decision that Mr. Dalen cannot represent his wife. In *Hagood*, the Court concluded "that an order disqualifying a party's attorney in a civil case is immediately appealable as it affects a substantial right—the right of a party to have counsel of his or her choosing—and could effectively determine the case because it bears upon the attorney/client relationship." *State v. Wilson*, 387 S.C. 597, 693 S.E.2d 923 (2010)(citing *Hagood v. Sommerville*, 362 S.C. 191, 194, 607 S.E.2d 707, 708 (2005)). The *Hagood* court noted that there was no clear majority view on the appealability of a disqualification order in a civil case. However, the reasons most cited for considering an order disqualifying a preferred attorney immediately appealable

...include (1) the importance of the party's right to counsel of his choice in an adversarial system; (2) the importance of the attorney-client relationship, which

demands a confidential, trusting relationship that often develops over time; (3) the unfairness in requiring party to pay another attorney to become familiar with a case and repeat preparatory actions already completed by the preferred attorney; and (4) an appeal after final judgment would not adequately protect a party's interests because it would be difficult or impossible for a litigant or an appellate court to ascertain whether prejudice resulted from the lack of a preferred attorney.

Such an order implicitly falls within the statutory definition of a substantial right under Section 14-3-330 (2)(a). The right to be represented by an attorney of [one's] choosing is one of those rare orders which, in effect, could determine the action and prevent a judgment from which an appeal might be taken, or could discontinue an action due to the potential impact on both the attorney-client relationship and the overall litigation and trial of the case. Moreover, the right to be represented by [one's] preferred attorney is closely related to the right to a particular mode of trial, a well-established substantial right.

Deprivation of the right to [one's] preferred attorney would affect the attorney-client relationship, which is extremely important in our adversarial system. Furthermore, an appeal after final judgment and a new trial, if granted, would not adequately protect a party's interests because it would be difficult or impossible for the affected party or the appellate court to ascertain by any objective standard whether prejudice resulted from the disqualification.

Hagood at 197-98, 607 S.E.2d at 710. However, since it is illegal in South Carolina for Mr. Dalen to represent his wife and constitutes unauthorized practice of law, Ms. Dalen cannot choose Mr. Dalen to represent her. She is not being denied the attorney of her choice. As such, this argument has no merit.

Statement of the Case (Procedural Posture)

To assist the Court, Respondent is including this procedural posture of the case. Suit was filed on December 16, 2025, and service was effected on December 27, 2025. On January 5, 2026, Ms. Dalen filed a "Limited Appearance/Motion to Dismiss Insufficient Service." On January 20, 2026, Ms. Dalen filed an "Amended Limited Appearance and Amended Motion to Dismiss for Insufficient Service." In this motion, she contested service of process and personal jurisdiction under Rule 12(b) (4), (5), and (6), SCRPC.

On April 2, 2026, this matter came before Judge Vernon Dunbar on Defendant's motion to dismiss for improper service. At the hearing, Judge Dunbar instructed me to serve Ms. Dalen. He asked if she had any objection, and she said, "No." I did so. He held that she was served at that point and gave her 30 days to file an Answer. On April 9, 2026, Ms. Dalen filed a motion for reconsideration of her motion to dismiss with the Oconee Clerk of Court. Also on April 9, 2026, Ms. Dalen filed an "Emergency Motion to Expedite Hearing and Temporary Stay." This motion asked the circuit court "for an expedited hearing and immediate temporary stay of proceedings pending resolution of Defendant's Motion to Stay and appeal." Also on April 9, 2026, she also filed a Motion to Stay the proceedings pending this appeal. On April 20, 2026, Ms. Dalen filed a document called "Judicial Notice", containing several arguments and citations of legal authority regarding her husband's right to represent her. This filing also included a copy of a Florida case, *Uzzell v. Velocity Investments, LLC*, Op. No. 2D2024-1801 (Dist. Ct. App. Fla. April 30, 2025) and a U.S. Supreme Court case, *Butchers' Union Co. v. Crescent City Co.*, 111 U.S. 746 (1884). On April 28, 2026, Ms. Dalen filed a "Protective Answer (Filed Subject to Motion to Stay and Appeal)".

On April 29, 2026, Judge Dunbar's law clerk emailed the parties, indicating that, "Judge Dunbar's virtual courtroom will be open on Friday, May 1, 2026, from 9 am until 11 am. During that time, Parties may log in at their convenience. The Court will allow approximately 10 minutes per Party to argue the motion. Please coordinate amongst yourselves to select a time within that window that works for everyone, assuming you would like to argue the Motion." Ms. Dalen did not contact me or the Court. I emailed that I was available at the Court's convenience within that timeframe. Out of an abundance of caution, I called Judge Dunbar's law clerk to confirm that I did not need to appear. On May 7, 2026, these motions came before Judge Donald Hocker. He correctly

ruled that he could not rule on these motions while the motion to reconsider was pending before Judge Dunbar. Judge Dunbar denied the motion to reconsider by Form 4 order dated May 29, 2026. In that order, he stated, “Although service of process upon Julie Dalen, Defendant, was proper and effective, the Court directed Synchrony Bank to re-serve the pleadings simply to appease Defendant. Defendant voluntarily agreed to accept service a second time in open Court. The affidavits of service do not constitute fraud and there is absolutely no basis for the imposition of Rule 11 sanctions.”

On June 8, 2026, Ms. Dalen filed her Notice of Appeal. On June 23, 2026, Ms. Dalen wrote a letter to the Court of Appeals attaching copies of emails or texts with the court reporter. She also filed the Transcript, which she indicated she received on June 10, 2026. Respondent has no objection to using that date for purposes of appeal. On June 24, 2026, she filed a request for a 30-day extension of time to file her Initial Brief. Notably, to Respondent’s knowledge, she has NOT filed a memo on appealability as requested by this Court.

These motions are now coming up again on the motions roster on July 8, 2026, before Judge Perry Gravely. On June 16, 2026, the Oconee Clerk of Court emailed Judge Gravely’s chambers the Notice of Appeal and asked if that would stay the pending circuit court motions. We were copied on that email, and to date, have received no indication that they are. On the same day, I emailed that I believe the motions are moot and should be dismissed based on the Notice of Appeal filing and offered to provide a memorandum of law to the Court.

Statement of Facts

This is a Care Credit card collection action. Synchrony Bank is the original creditor. This account originated on December 6, 2019. Last payment was made on May 23, 2023. Notice of

Right to Cure was sent on August 6, 2023. The account was charged off on January 1, 2024. Synchrony is seeking judgment in the charged off amount of \$9,196.91 plus court costs.

Standard of Review

“An appellate court may determine the question of appealability of a decision from a lower court as a matter of law.” *Ashenfelder v. City of Georgetown*, 389 S.C. 560, 563, 698 S.E.2d 856 (Ct. App. 2010). “Even if not raised by the parties, this court may address the issue of appealability *ex mero motu*.” *Id.* (citing *Main Corp. v. Black*, 357 S.C. 179, 180-81, 592 S.E.2d 300, 301 (2004) (affirming an order issued by the court of appeals *ex mero motu* dismissing an interlocutory appeal); *St. Francis Xavier Hosp. v. Ruscon/Abco*, 285 S.C. 584, 586, 330 S.E.2d 548, 549 (Ct. App. 1985) (addressing the question of appealability even though neither party raised the issue)). “The trial court’s findings of fact regarding validity of service of process are reviewed under an abuse of discretion standard.” *Graham Law Firm, P.A. v. Makawi*, 396 S.C. 290, 294-95, 721 S.E.2d 430, 432 (2012).

Appealability: Interlocutory Orders

Cannon v. Cannon is directly on point. Our Supreme Court has held that the circuit court’s denial of a motion to quash service was interlocutory and not immediately appealable. 260 S.C. 204, 195 S.E.2d 176 (1973). S.C. Code Ann. § 14-3-330 controls the right of appeal.

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 Ann. §14-3-330 (emphasis in original). The court of appeals also exercises its appellate jurisdiction under this statute. S.C. Code Ann. §14-8-200(a) (“This jurisdiction is appellate only, and the court shall apply the same scope of review that the Supreme Court would apply in a similar case.”).

Ashenfelder, supra at 565-66, 698 S.E.2d at _____. First, intermediate judgments affecting the merits or final judgments are appealable. This subsection also states that intermediate judgments can be appealed with final judgments after the case. There is no final judgment here. The only order is Judge Dunbar’s holding that Ms. Dalen was properly served. That does not affect the merits. As a general rule, only final judgment are appealable. *Culbertson v. Clemens*, 322 S.C. 20, 23, 471 S.E.2d 163, 164 (1996). Any judgment or decree leaving some further act to be done by the court before the rights of the parties are determined is interlocutory and not final. *Mid-State Distribs., Inc. v. Century Importers, Inc.*, 310 S.C. 330 336, 426 S.E.2d 777, 780 (1993). “A final judgment is one which operates to divest some right in such a manner as to put it beyond the power of the Court making the order to place the parties in their original condition after the expiration of the term....” *Good v. Hartford Accident Indemn. Co.*, 201 S.C. 32, 21 S.E.2d 209 (1942). “Any judgment, or decree, leaving some further act to be done by the court before the rights of the parties are determined, is interlocutory; but if it so completely fixes the rights of the parties that the court

has nothing further to do in the action, then it is final.” *Lewis v. State*, 368 S.C. 630, 631, 630 S.E.2d 464, 464 (2006).

Second, an order is appealable affecting a substantial right but limited to (a) determining the action and preventing appeal. Subsections (b) and (c) are clearly inapplicable—there was no trial yet and so no new trial, nor was any pleading stricken. An interlocutory order is appealable under S.C. Code Ann. §14-3-330(1) only if it involves the merits, i.e. it “finally determines some substantial matter forming the whole or a part of some cause of action or defense....” *Jefferson by Johnson v. Gene’s Used Cars, Inc.*, 295 S.C. 317, 318, 368 S.E.2d 456, 456 (1988). “An appellate court has jurisdiction to review an order affecting a substantial right when the order has the effect of discontinuing the action or preventing an appealable judgment.” *Lakes v. State*, 333 S.C. 382, 384-85, 510 S.E.2d 228, 230 (Ct. App. 1998). “An order which involves the merits is one that ‘must finally determine some substantial matter forming the whole or a part of some cause of action or defense.’” *Ex parte Wilson*, 367 S.C. 7, 625 S.E.2d 205 (2005)(quoting *Mid-State Distribs., Inc.*, 310 S.C. at 334, 426 S.E.2d at 780). “Orders affecting a substantial right ‘discontinue an action, prevent an appeal, grant or refuse a new trial, or strike out an action or defense.’” *Id.* at 13, 625 S.E.2d at 208.

Third, this is not a special proceeding or summary application after judgment. Fourth, this does not involve an injunction or a receiver. So the only subsection this could conceivably be under is (2)(a). However, service being proper does not determine the action or prevent appeal. An order that is not directly appealable will nonetheless be considered if there is an appealable issue before the court and a ruling on appeal will avoid unnecessary litigation. *Ferguson v. Charleston Lincoln Mercury, Inc.*, 349 S.C. 558, 564 S.E.2d 94 (2002). There is no other appealable issue.

The proper process is for a party to wait until final judgment and then appeal all of the issues together in one appeal. For example, in *Link v. School District of Pickens County*, 302 S.C. 1, 393 S.E.2d 176 (1990), the court held that appellant was entitled to wait until there was a final judgment against him to appeal the partial grant of summary judgment. Similarly, when the trial judge denied a motion to amend an answer that would affect the right to a jury trial, the appellate court held that refusal to allow a filing was interlocutory and not immediately appealable. *Baldwin Constr. Co. v. Graham*, 357 S.C. 227, 593 S.E.2d 146 (2004). Likewise, the refusal to dismiss individual county council members based on immunity in their request for a special audit of the clerk of court's office was deemed interlocutory and not immediately appealable. *Brown v. County of Berkeley*, 366 S.C. 354, 622 S.E.2d 533 (2005). So too was a granted motion to stay an action pending an FCC ruling interlocutory and not immediately appealable. *Edwards v. Suncom*, 369 S.C. 91, 631 S.E.2d 529 (2006). Granting a motion to vacate default judgment was not granting a new trial and so not within §14-3-330. *Pioneer Assocs., Inc. v. Ticor Title Ins. Co.*, 300 S.C. 346, 387 S.E.2d 711 (Ct. App. 1989). An order granting discovery sanctions was not immediately appealable. *Richardson v. Halcyon Real Estate Services, LLP*, 439 S.C. 419, 887 S.E.2d 153 (Ct. App. 2023). An order granting a criminal defendant's motion to disqualify an assistant solicitor (though not the whole office) based on conflicts was interlocutory and not immediately appealable. *State v. Wilson*, 387 S.C. 597, 693 S.E.2d 923 (2010). "Petitioners have not 'arrived at the end of the road' and will be able to appeal the decision after the trial is finished." *Mid-State Distributors, Inc. v. Century Importers, Inc.*, 310 S.C. 330, 426 S.E.2d 777 (1993).

In summary, the following have been found to be interlocutory and not immediately appealable: granting or denying summary judgment, denying a motion to amend an answer, quashing a subpoena duces tecum, denial of motion to dismiss individual county council members

on the basis of immunity, granting a motion to stay, granting a motion to vacate default judgment, granting a motion for discovery sanctions, granting a motion to disqualify an assistant solicitor, and denial of motion to quash service. In contrast, the circuit court's holding that a person was neither a statutory employee nor a borrowed servant of employer and thus the exclusivity provision of the Workers' Compensation Act did not apply was held to be immediately appealable because it determined a substantial portion of the hospital's defense. *Cooke v. Palmetto Health Alliance*, 367 S.C. 167, 624 S.E.2d 439 (Ct. App. 2005).

Every single order has some impact on the course of a case. The exception to only final judgments being appealable has always been narrowly construed and cannot swallow the general rule of nonappealability. Although it is in the context of workers' compensation appeals under the APA, this Court in *Brown* laid out this reasoning nicely. The exception to the final judgment rule is narrow and rarely applied. Indeed, circumstances permitting immediate appeal "are about as rare as the proverbial hens' teeth." This is because successive remands would create unreasonable delays in reaching a final decision. If the exception were construed to operate so broadly, it would completely swallow the final judgment rule. The purpose of the final judgment rule is for the whole case to be determined in a single appeal to prevent unnecessary expense and delay. *See Brown v. Southeastern Services, H.H.I., LLC*, 446 S.C. 105, 112, 917 S.E.2d 925 (Ct. App. 2025). "Review of intermediate orders would cease to be a rare exception." *Id.* "One wonders whether this seemingly simple case might have already proceeded to a final judgment had there not been an interlocutory appeal." *Id.* at 113-14. That is certainly the case here.

The rule against interlocutory appeals eliminates the delay and expense of fragmented appeals and permits the whole case to be presented for determination in a single appeal from a final judgment. The wisdom of this rule is forcefully demonstrated by the present case. This action was commenced almost ten years ago. It has already generated three separate appeals, even though there has been no joinder of issue on the merits. These appeals have accomplished little except to

delay the action. None of them involves an issue which could not have been raised in an appeal from final judgment.

Schein v. Lamar, 284 S.C. 252, 325 S.E.2d 573 (Ct. App. 1985). Ms. Dalen simply does not want the court to hold that she was properly served because she does not want judgment against her in this simple collection action.

Conclusion

There are two competing interests behind the appealability rule—avoiding piecemeal litigation and ensuring that dispositive issues do not evade appeal. The goal is to decrease time and cost for the parties and promote judicial efficiency. Acceptance of this filing would increase both time and costs and result in piecemeal litigation. If the trial court incorrectly ruled that Ms. Dalen was properly served, this Court may review that ruling on appeal from final judgment in this case. However, Respondent strongly argues that she was properly served, either in open court or at the time she was initially served by personal service or textbook substitute service. The purposes of service have been met here. “Our civil procedure is guided by rules whose prime directive is to ‘secure the just, speedy, and inexpensive determination of every action.’” *Welch v. Advance Auto Parts, Inc.*, 445 S.C. 640, 916 S.E.2d 320 (2025)(quoting Rule 1, SCRPC). “This causes us to repeat once again what no one should have to be told: that a lawsuit ‘is not a children’s game, but a serious effort on the part of adult human beings to administer justice[.]’” *Id.* at 335 (citing *Griffin v. Cap. Cash*, 310 S.C. 288, 292, 423 S.E.2d 143, 146 (Ct. App. 1992) and quoting *U.S. v. AH. Fischer Lumber Co.*, 162 F.2d 872, 873 (4th Cir. 1947)).

Thus, because these orders are not immediately appealable but are interlocutory, Respondent requests that this Court dismiss the appeal and remit this matter to the lower court with instructions to proceed. Ms. Dalen also has motions regarding this same issue currently pending in the circuit court before a different judge—her motion to expedite hearing, motion for

temporary stay, and motion to stay. The order that Ms. Dalen was properly served is not subject to revision. It is axiomatic that one trial judge cannot rule upon or alter the same issue ruled upon by another trial judge.

The Court of Common Pleas is a unity, although its jurisdiction is administered by a number of judges who are, in some sense, the exponents of the court. When one of these judges makes a decision upon the merits of a matter within his jurisdiction, that is not merely the personal opinion of the judge, but a judgment of the Court of Common Pleas, which exhausts the power of the court upon that subject and must stand until reversed or set aside in the manner prescribed by law. There is no appeal from one Circuit judge to another. All are of equal dignity and have the same right to pronounce the judgments of the court. One Circuit judge upon the same state of facts, has no power to change, alter or reverse a decision of a brother judge of the same Circuit. Otherwise, there would be no end to litigation. No one could tell where it would stop. Nothing could be considered as finally adjudged, and all rights of person and property would be set afloat. This rule results from the nature of the case and well-established principles. Its propriety is so obvious that it has not been thought necessary to enforce it by constitutional prohibition or express enactment, but for the sake of symmetry and convenience in practice it has been embodied in our 61st rule of the Circuit Courts, which declares that "if any application for an order be made to any judge, and such order be refused, in whole or in part, or be granted conditionally, or on terms, no subsequent application upon the same state of facts, shall be made to any other judge; and if upon such subsequent application, any order be made, it shall be revoked...."

Steele v. Charlotte, C. & A.R. Co., 14 S.C. 324, 329 (1880). *See also Dunton v. Harper*, 64 S.C. 338, 42 S.E. 153 (1902); *Graham v. Town of Loris*, 272 S.C. 442, 248 S.E.2d 594 (1978).

We also dismiss the appeal from the order of November 25, 1980, which ruled on the demurrers to the First Amendment Complaint. Since the First Amended Complaint has been superseded by the Second Amended Complaint, it is no longer the operative pleading in the case. Thus any questions as to the sufficiency of the First Amended Complaint are now moot. Since responsive pleadings have not yet been filed to the Second Amended Complaint, no question of the sufficiency of that complaint is before us. Where the questions presented by an appeal are moot, the appeal will be dismissed.

Schein v. Lamar, 284 S.C. 252, 325 S.E.2d 573 (Ct. App. 1985). The issue of service has been decisively and correctly decided by Judge Dunbar. It is either right or wrong and can be reviewed by this Court after final judgment. However, no other circuit court judge can rule on that issue.

Nothing remains to stay or to expedite. Respondent requests that the Court instruct that those motions are hereby moot and should be dismissed. In the alternative, Respondent requests that this Court hold that Ms. Dalen was properly served.

Synchrony has tried to work out a payment plan with Ms. Dalen and remains open to doing so. The Dalens have rebuffed all such offers. Respondent also notes that Ms. Dalen has been able to pay the appeal fee, transcript, and several motions fees, despite being unable to pay anything toward the debt owed.

Respectfully submitted,



Laura C. Tesh, S.C. Bar No. 68526
Adam S. Tesh, S.C. Bar No. 68555
Joseph E. Brown, S.C. Bar No. 9085
LLOYD & MCDANIEL
233 N. Main Street, Suite 7
Greenville, SC 29609
(864) 605-3832 ext 4005
ltesh@lloydmc.com

Attorneys for Respondent

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

Jun 30 2026

SC Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

Vernon F. Dunbar, Circuit Court Judge

Circuit Court Case No. 2025-CP-37-01075
Appellate Case No. 2026-001328

Synchrony Bank.....Respondent,

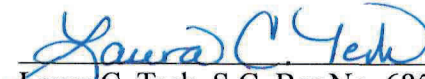
v.

Julie Dalen..... Appellant.

CERTIFICATE OF SERVICE

I hereby certify that I have filed the above Memo on Appealability with the Court of Appeals on June 30, 2026, by email to ctappfilings@sccourts.org per the Court's instructions and have copied the same to Appellant Julie Dalen by email to johndalen@gmail.com and to Judge Gravely's office, as the motions are pending before him next week. I have also sent this by U.S. Mail on July 1, 2026, addressed to:

Julie Dalen
108 Jessie Road
Westminster, SC 29693


Laura C. Tesh, S.C. Bar No. 68526
Adam S. Tesh, S.C. Bar No. 68555
Joseph E. Brown, S.C. Bar No. 9085
LLOYD & MCDANIEL
233 N. Main Street, Suite 7
Greenville, SC 29609
(864) 605-3832 ext 4005
ltesh@lloydmc.com
Attorneys for Respondent