

The South Carolina Court of Appeals

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

v.

Sumter County Sheriff's Office, Respondent.

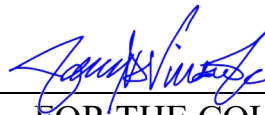
Appellate Case No. 2026-001251

ORDER

This appeal arises from a pedestrian fatality involving a deputy employed with the Sumter County Sheriff's Office. Appellant's appealability memorandum asserts Appellant brought claims for negligence; negligence per se; negligent entrustment, hiring, retention, supervision, and training; survival; and wrongful death. On July 2, 2025, Respondent moved the lower court to bifurcate the trial pursuant to Rule 42(b), SCRPC, seeking to try the automobile-accident negligence causes of action separately from Appellant's direct-employment negligence causes of action. On December 15, 2025, the lower court granted the bifurcation motion. On December 23, 2025, Appellant moved to reconsider. The lower court granted in part and denied in part reconsideration, vacated the December 15, 2025 order, and substituted it with the April 27, 2026 order. The April 27, 2026 order found "bifurcation of the employment related causes of action [wa]s warranted solely because of danger of unfair prejudice to the [Respondent]" under a Rule 404(b), SCRE, analysis, and "ma[de] no findings or conclusions as to the mode of trial beyond granting the [Respondent]'s motion for bifurcation." On May 5, 2026, the lower court denied Appellant's motion to reconsider. Appellant is appealing the December 15, 2025, and April 27, 2026 bifurcation orders and the May 5, 2026 order denying reconsideration.

Bifurcation orders generally are not immediately appealable. *See Flagstar Corp. v. Royal Surplus Lines*, 341 S.C. 68, 533 S.E.2d 331 (2000) (holding an order bifurcating the issue of exclusion under an insurance contract from the issue of occurrence was not immediately appealable and, "after trial, [the appellant would]

be free to advance on appeal that the trial judge abused his discretion in ordering bifurcation"); *Senter v. Piggly Wiggly Carolina Co.*, 341 S.C. 74, 533 S.E.2d 575 (2000) (holding an order bifurcating issues in a contract case between liability and damages was not immediately appealable). However, Appellant argues in their appealability memorandum that the underlying bifurcation order is immediately appealable based on *Morrow v. Fundamental Long-Term Care Holdings, LLC*, 412 S.C. 534, 773 S.E.2d 144 (2015). In *Morrow* the supreme court held an order bifurcating issues of direct liability and corporate liability was immediately appealable because the order severed defendants which impacted the substantial right of the plaintiffs to choose their defendant and effectively granted potential summary judgment on the issue of direct corporate liability. In *Morrow*, the trial court bifurcated and ordered "discovery and a trial on the nursing home negligence claims could go forward, and only if the Morrows were successful, a new jury could hear the corporate negligence claims in a later proceeding." *Id.* at 536, 773 S.E.2d at 145. The appeal here is distinguishable from *Morrow* as the December 15, 2025 order does not sever a defendant, nor does it premise bifurcation on the first phase of the bifurcated trial being dispositive of any claim tried in the second phase of the trial. Accordingly, this appeal is dismissed, and the remittitur will be sent as provided in Rule 221 of the South Carolina Appellate Court Rules.



FOR THE COURT

Columbia, South Carolina

cc:

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William S. Jackson, IV, Esquire
David Leon Morrison, Esquire
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