

The South Carolina Court of Appeals

Ex Parte: Mandy Matney, Appellant,

David Voros and Alexandra Stasko, Respondents,

v.

Allison Dunavant, Defendant.

Appellate Case No. 2025-002585

ORDER

On December 29, 2025, Appellant filed a notice of appeal of a circuit court order denying her motion to quash a deposition subpoena. Appellant also challenges a November 13, 2025 order denying her motion to reconsider pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure.

On February 24, 2026, this court dismissed the appeal on the basis Appellant failed to timely serve Respondents. Appellant filed a motion to reinstate, explaining she had served Respondents on November 24, 2025—which was reflected in the time stamp on the notice of appeal filed December 29, 2025—and re-served Respondents with an amended notice of appeal on January 22, 2026, following this court's January 12, 2026 deficiency letter. Respondents filed a return, arguing the appeal was not timely filed with this court and that this court could have alternatively dismissed the appeal on the ground Appellant failed to order the transcript. Appellant filed a reply.

On April 16, 2026, this court reinstated the appeal; however, it ordered Appellant to serve and file a motion to file the notice of appeal from the November 13, 2025 order out of time and reminded Appellant that Appellant must order the entire transcript unless the parties otherwise agree in writing and that a failure to order a transcript in the time proscribed by the Appellate Court Rules requires a motion for leave to order the transcript out of time. Finally, the order instructed the parties to file memoranda addressing mootness and the appealability of the order on appeal.

On April 24, 2026, Appellant filed a motion to file the notice of appeal out of time and a motion to order the transcript out of time. Respondents did not file a return. On April 30, 2026, Respondents filed their appealability memorandum, and on May 1, 2026, Appellant filed her appealability memorandum.

After careful consideration, we dismiss this appeal because the orders on appeal are interlocutory and not immediately appealable. *See* § 14-3-330(1) (providing this court has appellate jurisdiction to review final judgments and interlocutory orders involving the merits); *Grosshuesch v. Cramer*, 377 S.C. 12, 30, 659 S.E.2d 112, 122 (2008) (explaining "discovery orders, in general, are interlocutory and are not immediately appealable"); *Waddell v. Kahdy*, 309 S.C. 1, 4, 419 S.E.2d 783, 785 (1992) (stating an order requiring a party to submit to a deposition is not immediately appealable); *Ex parte Whetstone*, 289 S.C. 580, 580, 347 S.E.2d 881, 881 (1986) ("We now hold that an order directing a non-party to submit to discovery is not immediately appealable."); *id.* at 580, 347 S.E.2d at 881-82 ("Instead of appealing immediately, a non-party has two alternatives. He may either comply with the discovery order and waive any right to challenge it on appeal, or refuse to comply with the order and appeal after he is held in contempt for his failure to comply."); Rule 201(b), SCACR ("Only a party aggrieved by an order, judgment, sentence[,] or decision may appeal."); *Whetstone*, 289 S.C. at 581, 347 S.E.2d at 882 ("[A]n aggrieved party [is] one who is injured in a legal sense or one who has suffered an injury to person or property."); *id.* ("A non-party suffers no legal injury when he is ordered to participate in discovery. The necessary legal injury does not arise until he is held in contempt."). Accordingly, we take no action on Appellant's motion to file the notice of appeal out of time and to order the transcript out of time. Remittitur will issue in accordance with Rule 221(b) of the South Carolina Appellate Court Rules.



FOR THE COURT J.

Columbia, South Carolina

cc:

Rebecca Kinlein Lindahl, Esquire
Meredith Anne Bannon, Esquire
Christina Marie Brown, Esquire
William R. Padget, Esquire

FILED
Jul 22 2026