

The South Carolina Court of Appeals

Marvin Barborek, Respondent,

v.

Cascades Nursing, LLC and Cascades Retirement, LLC,
Appellants.

Appellate Case No. 2025-001290

ORDER

On June 27, 2025, Appellants filed a notice of appeal from a circuit court order denying their motion to dismiss the action and compel arbitration. In relevant part, the circuit court found "sufficient genuine issues giving rise to the waiver of a jury trial and the applicability of the arbitration agreement cannot be adjudicated by this court at this particular point in the proceedings absent sufficient discovery." On June 11, 2026, this court requested the parties address the appealability of the order on appeal. On June 16, 2026, Appellants filed their memorandum, arguing the order on appeal is immediately appealable. On June 19, 2026, Respondent filed a letter in lieu of a memorandum, agreeing with Appellants regarding appealability. After careful consideration of the filings, we will allow this appeal to proceed for now. However, nothing in this order prevents a panel of this court from addressing the issue of appealability when it considers the appeal.



J.
FOR THE COURT

Columbia, South Carolina

cc:

Joe A. Mooneyham, Esquire

Mitchell D. Appleby, Esquire

R. Hawthorne Barrett, Esquire

Robert Gerald Chambers, Jr., Esquire

FILED
Aug 18 2026