The South Carolina Court of Appeals

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September 4, 2026

The Honorable Cheryl L. Graham
5200 E Jim Bilton Blvd
St George SC 29477-8020

REMITTITUR

Re: Calvin Henson v. SCDC
Lower Court Case No. 2017CP1801125
Appellate Case No. 2024-001727

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

CLERK

Enclosure

cc: Andrew F. Lindemann, Esquire
Hugh W. Buyck, Esquire
Gordon Wade Cooper, Esquire

David Allan DeMasters, Esquire
Andrew William Kunz, Esquire
C. Carter Elliott, Jr., Esquire
Lauren Knight Slocum, Esquire
C. Alan Runyan, Esquire
Andrew Spencer Platte, Esquire
Arnold S. Goodstein, Esquire
Algernon Gibson Solomons, III, Esquire

The South Carolina Court of Appeals

Calvin Henson, Daniel James Collins, Jason Robinson, Russell Taylor and All Those Similarly Situated, Respondents,

v.

South Carolina Department of Corrections and the South Carolina Department of Juvenile Justice, Appellants.

Appellate Case No. 2024-001727

ORDER

Appellants filed a notice of appeal from a class certification order. The order provided that "mechanisms for notification and 'opt-out' would be more appropriately addressed by the assigned judge." Additionally, the order stated that "[q]uestions with regard to the conduct of discovery and manner of trial will [be] more appropriately addressed by the assigned judge who will be in a better position to full evaluate the positions and the needs of the parties." The order severed the claims against Appellants for class certification and trial. The court defined sexual battery according to section 16-3-651(h) of the South Carolina Code (2015) and adopted the following class definitions:

> All individuals that have been under the custody and care of the South Carolina Department of Corrections ("SCDC") in South Carolina from 2012 until present who were victims of a nonconsensual sexual battery.
>
> All individuals that have been under the custody and care of the South Carolina Department of Juvenile Justice ("SCDJJ") in South Carolina from 2012 until present who were victims of a nonconsensual sexual battery.

In their notice of appeal, Appellants argue the order is immediately appealable. On October 21, 2024, Respondents filed a motion to dismiss, arguing the order on appeal is interlocutory, not immediately appealable, and not ripe for appellate review. Appellants filed a return, maintaining their argument that the class certification order is immediately appealable. Respondents filed a reply. After careful consideration of the filings, we dismiss the appeal as not immediately appealable. *See Stanley v. S. States Police Benevolent Ass'n*, 435 S.C. 524, 526, 868 S.E.2d 412, 413 (Ct. App. 2021) ("Where, . . . [a] class certification order does not address the merits, it is interlocutory and may not be appealed until after final judgment."); *Hensley v. S.C. Dep't of Soc. Servs.*, 429 S.C. 144, 147, 838 S.E.2d 510, 512 (2020) ("[C]lass certification orders are ordinarily not immediately appealable."); *Salmonson v. CGD, Inc.*, 377 S.C. 442, 448, 661 S.E.2d 81, 85 (2008) ("The general rule established by [the supreme court] is that class certification orders are not immediately appealable."); *id.* at 452, 661 S.E.2d at 87 (dismissing an appeal from a class certification order as not immediately appealable); *id.* (concluding an order establishing an "opt-in" procedure for class members is immediately appealable because it affects a mode of trial).

Stephanie P. McDonald

FOR THE COURT

Columbia, South Carolina

cc:
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