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Oct 22 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Charles B. Simmons, Master-in-Equity

Appellate Case No. 2026-001649

Lakeview Loan Servicing, LLC, Respondent,

v.

Wendell Don Cooper, Shellbrook Plantation HOA of SC, Inc.
and Regions Bank, Defendants,

of which Wendell Don Cooper is the Appellant.

RETURN OF RESPONDENT LAKEVIEW LOAN SERVICING, LLC
TO APPELLANT'S PETITION FOR REHEARING AND REQUEST FOR THREE
JUDGE-PANEL REVIEW, WITH EMERGENCY REQUEST TO STAY THE
SCHEDULED LOWER-COURT ZOOM HEARING AND ALL FURTHER
PROCEEDINGS PENDING REVIEW

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Wendell Don Cooper
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This Court's Order filed on September 25, 2026 properly dismisses Appellant's instant appeal as interlocutory, and it remains so. S.C. Code Ann. §14-3-330 provides for this Court's jurisdiction to review "(a)n 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." None of these conditions are met in this case. No final judgment has been entered, and no answer or pleading has been struck. The lower court orders from which this appeal is taken simply do not conclusively end any aspect of this case in a way that precludes the possibility of effective appellate review upon entry of a final order.

Appellant's purported authorities on this question are readily distinguishable from this case. In Morrow v. Fundamental Long-Term Care Holdings, LLC, 412 S.C. 534, 773 S.E.2d 144 (2015), the lower court order from which appeal was taken effectively removed parties and claims from the proceeding under the label of bifurcation and affected a substantial right by doing so. In this instant case, none of the lower court's rulings change parties or claims in a manner that will preclude eventual effective appellate review.

In Link v. School District of Pickens County, 302 S.C. 1, 393 S.E. 2d 176 (1990), the order appealed by appellant was an order *granting* the respondent's motion for summary judgment as to one of many causes of action. The court ultimately determined that appellant's appeal of the order granting respondent summary judgment was timely but further noted that "(s)ection 14-3-330(1) allows a party to wait until final judgment to appeal intermediate orders 'necessarily affecting the judgment not before appealed from'." In the instant case, no final judgment has been entered, and summary judgment has not been granted to any party on any

issue. Denial of summary judgment is clearly not directly appealable. In re Estate of Brown, 424 S.C. 589, 818 S.E.2d 770 (Ct.App. 2018).

Appellant's motions were properly scheduled for hearing in the lower court, and the record is clear that he did not proceed with prosecution of those motions. Nevertheless, appeal of the order dispensing with these motions remains interlocutory and not properly appealable in the absence of any final orders on the merits of the case.

For these reasons, the Respondent requests that the Court deny the Appellant's Petition and award Respondent all other just and equitable relief, including attorneys' fees and costs to which it may be entitled pursuant to Rule 269, SCACR.

Respectfully submitted,

/s/ Alan M. Stewart

Alan M. Stewart (S.C. Bar No. 15576)

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PROOF OF SERVICE OF RESPONDENT'S RETURN TO APPELLANT'S PETITION FOR
REHEARING

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I hereby certify that I have served the Respondent's Return to Appellant's Petition for Rehearing on Wendell Don Cooper by depositing a copy of it in the United States mail, postage prepaid, on October 22, 2026, addressed to Wendell Don Cooper at 117 Palm Springs Way, Simpsonville, South Carolina 29681.

Respectfully submitted,

/s/ Alan M. Stewart

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