

The South Carolina Court of Appeals

State of South Carolina, ex rel. Alan Wilson, in his
official capacity as Attorney General for the State of
South Carolina, Respondent,

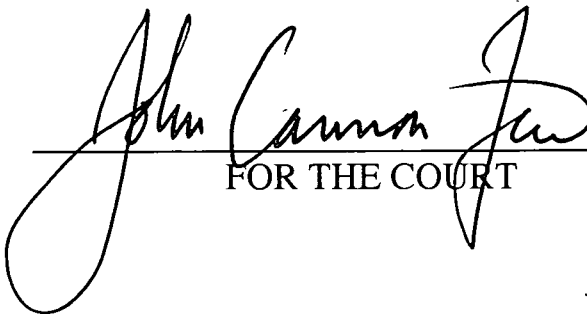
v.

Cephalon, Inc., Appellant.

Appellate Case No. 2014-000601

ORDER

Appellant has filed a notice of appeal from the denial of a motion for summary judgment. Respondent has filed a motion to dismiss. After careful consideration, the motion to dismiss is granted because the underlying order is not immediately appealable. *See Ballenger v. Bowen*, 313 S.C. 476, 477, 443 S.E.2d 379, 380 (1994) ("[The Supreme Court of South Carolina] has repeatedly held that the denial of summary judgment is not directly appealable. . . . A denial of a motion for summary judgment decides nothing about the merits of the case, but simply decides the case should proceed to trial. The denial of summary judgment does not establish the law of the case, and the issues raised in the motion may be raised again later in the proceedings" (citations omitted)); *see also Watson v. Underwood*, Op. No. 5206 (S.C. Ct. App. filed March 19, 2014) (Shearhouse Adv. Sh. No. 11 at 56) (noting a party is not bound by a trial court's conclusions of law in an order denying summary judgment).


FOR THE COURT

FILED
4/23/14

Columbia, South Carolina

cc: Stephen F. McKinney, Esquire
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