



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
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DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1015 SUMTER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
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May 13, 2014

The Honorable David Hamilton  
PO Box 649  
York SC 29745-0649

## REMITTITUR

Re: Brian Pulliam v. M.U.I. Carolina Corp.  
Lower Court Case No. 2008CP4602158  
Appellate Case No. 2014-000218

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,

A handwritten signature in cursive script that reads "Jenny A. Kitchings".

CLERK

Enclosure

cc: Robert T. Lyles, Jr., Esquire  
W. Jefferson Leath, Jr., Esquire  
Michael S. Seekings, Esquire

# The South Carolina Court of Appeals

Brian and Deborah C. Pulliam, Monica Bradshaw, Helen K. Cook, Kala Craig, Victor E. Dirienzo, Cynthia Ditursi, J. Scott Drexel, Kathleen Kramer, Robert Loebe, Melanie McDaniel, David Osborne, Celeste Arrowood, Vincent Dionna, Mikel Marcuse, James P. Wheaton, Jr., Joseph Manfredini, Elena Manfredini, David Cox, Jonathan B. Dillard, Eric Wilson, Don and Debbie Neff, and Marianna Junda, Respondents,

v.

M.U.I. Carolina Corporation, Kensington Place Owners' Association, Inc., and Regent Carolina Corporation, Defendants,

Of whom M.U.I. Carolina Corporation and Regent Carolina Corporation are the Appellants.

Appellate Case No. 2014-000218

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## ORDER

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Respondents move to dismiss this appeal of the circuit court's order denying Appellants' motion for summary judgment. In their return to Respondents' motion, Appellants concede that denials of summary judgment motions are not appealable. However, they argue the circuit court's order is immediately appealable under section 14-3-330 of the South Carolina Code (1976 & Supp. 2013) because it effectively strikes their defense that Respondents lack standing to maintain the suit against them. Appellants also argue the order is appealable because: (1) it would be futile to further argue to the circuit court that Respondents lack standing, (2) the circuit court's order is a clear error of law, (3) review of the order is in the public interest, and (4) review of the order promotes judicial economy.

We dismiss this appeal. "It is well-settled law that denials from summary judgment motions are not appealable." *Cobb v. Maccaro*, 310 S.C. 303, 306, 423 S.E.2d 156, 157 (Ct. App. 1992). We find the circuit court's order neither strikes Appellants' defense, as they argue, nor prevents any judgment from which an appeal may later be taken. See *Ballenger v. Bowen*, 313 S.C. 476, 477, 443 S.E.2d 379, 380 (1994) ("[T]he denial of summary judgment does not finally determine anything about the merits of the case and does not have the effect of striking any defense since that defense may be raised again later in the proceedings."); *Edwards v. SunCom*, 369 S.C. 91, 95, 631 S.E.2d 529, 531 (2006) ("Under § 14-3-330 . . . an order must affect a substantial right **and** prevent a judgment from which an appeal may later be taken in order to be immediately appealed." (emphasis in original)); see also *Mid-State Distribs. v. Century Importers*, 310 S.C. 330, 336, 426 S.E.2d 777, 781 (1993) (holding the denial of a motion to dismiss for lack of personal jurisdiction was not appealable and the defense could be maintained at trial); *Salmonsens v. CGD, Inc.*, 377 S.C. 442, 452, 661 S.E.2d 81, 87 (2008) (declining to review a class certification order because the order did not discontinue the action or prevent a judgment from which an appeal could be taken).

In addition to the motion to dismiss, Respondents move for an inquiry into whether this appeal warrants sanctions under Rule 269, SCACR. Respondents also move for an order enjoining Appellants from filing further improper appeals and remanding the matter to the circuit court for a hearing to determine (1) whether Appellants' answer should be stricken, and (2) whether sanctions are warranted under Rule 11, SCRCP. These motions are denied.

IT IS SO ORDERED.

  
FOR THE COURT

Columbia, South Carolina

cc: Robert T. Lyles, Jr., Esquire  
W. Jefferson Leath, Jr., Esquire  
Michael S. Seekings, Esquire

FILED  
4/23/14