



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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May 13, 2014

The Honorable Jeanette W. McBride
PO Box 2766
Columbia SC 29202-2766

REMITTITUR

Re: State of South Carolina v. Cephalon, Inc.
Lower Court Case No. 2011CP4003661
Appellate Case No. 2014-000601

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, appearing to read "Jenny A. Kitchings".

CLERK

Enclosure

cc: Stephen F. McKinney, Esquire
Sarah Patrick Spruill, Esquire
Kenneth M. Suggs, Esquire
James Todd Rutherford, Esquire
Clyde H. Jones, Jr., Esquire
Jared Quante Libet, Esquire

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,

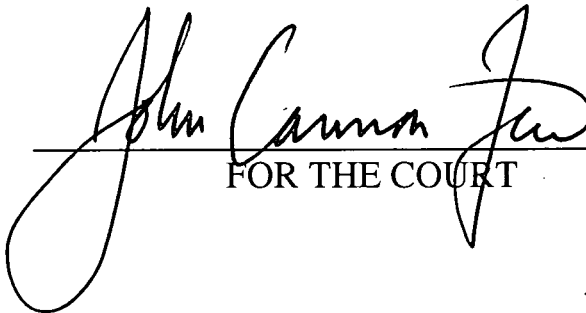
v.

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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James Todd Rutherford, Esquire
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