

The South Carolina Court of Appeals

Yancey Environmental Solutions, LLC, Appellant,

v.

Richardson Plowden & Robinson, P.A. and George
Harold Hanlin, J.D., Respondents.

Appellate Case No. 2012-211011

ORDER

Respondents have filed a motion to dismiss this appeal, contending Appellant served and filed a Notice of Appeal prior to the trial court's issuance of its formal order granting Respondents' motion for a directed verdict. Furthermore, Respondents indicate a formal order has now been filed, and a Rule 59(e) motion remains pending before the trial court. After careful consideration of all the parties' filings, Respondents' motion to dismiss is granted because Appellant's Notice of Appeal was filed prematurely. *See Hudson v. Hudson*, 290 S.C. 215, 216, 349 S.E.2d 341, 341-42 (1986) (holding that when a timely post-trial motion is pending before the lower court, any notice of appeal will be dismissed without prejudice as premature); Rule 59(f), SCRCP ("The time for appeal for all parties shall be stayed by a timely motion under this Rule . . .").


FOR THE COURT

Columbia, South Carolina

cc:

Thomas A. Pendarvis

Daniel C. Leonardi

Susan Pedrick McWilliams

Tanya A. Gee

Catherine Brown Kerney

Molly Hughes Cherry