

The South Carolina Court of Appeals

2011-CP-03-00038

Charles E. Harley Sr. as Personal Representative of the
Estate of Charles E. Harley, Jr., Respondent,

v.

United Parcel Service and Matthew C. Fields,
Appellants,

2011-CP-03-00039

Arthur Badger as Personal Representative of the Estate of
Donna Badger, Respondent,

v.

United Parcel Service and Matthew C. Fields,
Appellants,

2011-CP-03-00040

Eva Mae Marshall, Respondent,

v.

United Parcel Service and Matthew C. Fields,
Appellants,

2011-CP-03-00041

Barbara Williams, Respondent,

v.

United Parcel Service and Matthew C. Fields,

Appellants,

2011-CP-03-00042

Lakasha Hay, Respondent,

v.

United Parcel Service and Matthew C. Fields,
Appellants,

2011-CP-03-00043

Arthur Badger, Respondent,

v.

United Parcel Service and Matthew C. Fields,
Appellants.

Appellate Case No. 2012-212126

ORDER

Appellants have filed a Notice of Appeal from (1) an order denying a motion to consolidate in part and granting in part and (2) an order denying Appellants' motion for joinder. Respondents filed a motion to dismiss, contending the two orders are not immediately appealable. Appellants filed a return. Respondents filed a motion for an extension to file a reply, which this Court grants because the reply has now been received. This Court has now carefully considered the filed documents.

This Court strictly construes its appellate jurisdiction and generally only permits appeals after a final judgment has been entered. *See Hagood v. Sommerville*, 362 S.C. 191, 194-95, 607 S.E.2d 707-08 (2005). Exceptions to the final judgment rule are rare, and this Court must dismiss an appeal as not immediately appealable if the

order is not a final judgment and does not fit within the parameters of Section 14-3-330 or a specialized statute. *See Tatnall v. Gardner*, 350 S.C. 135, 137, 564 S.E.2d 377, 379 (Ct. App. 2002) ("Absent some 'specialized statute,' this Court is not permitted to hear a case on appeal not comporting with the requirements of [Sections 14-3-330(1) and (2) of the South Carolina Code]). Because there is no "specialized statute" in this context, Section 14-3-330 controls. Section 14-3-330 provides:

The Supreme Court shall have appellate jurisdiction for correction of errors of law in law cases, and shall review upon appeal:

- (1) Any intermediate judgment, order or decree in a law case involving the merits . . . ;
- (2) An 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

"The provisions of section 14-3-330 . . . have been narrowly construed, and the immediate appeal of orders issued before or during trial generally has not been permitted." *State v. Wilson*, 387 S.C. 597, 601, 693 S.E.2d 923, 925 (2010). Because the underlying orders on appeal do not comport with the requirements of either -330(1) or -330(2) and are, therefore, not immediately appealable, Respondents' motion to dismiss is granted.

Because this appeal is dismissed, this Court need not act on Appellants' motion for an extension.


FOR THE COURT

Columbia, South Carolina

cc:
Wilson S. Sheldon
Carmelo Barone Sammataro
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