



The South Carolina Court of Appeals

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V. CLAIRE ALLEN
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October 29, 2014

Mr. Nathaniel Roberson, Esquire
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Mr. Ian Douglas McVey, Esquire
PO Box 1390
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Re: Bernard Richardson v. Deloris Nelson
Appellate Case No. 2014-000628

Dear Counsel:

Enclosed is the order of the Court. The parties are advised the remittitur will be sent as provided by Rule 221(b), SCACR.

Very truly yours,

V. Claire Allen, Deputy

CLERK

The South Carolina Court of Appeals

Bernard Richardson, Respondent,

v.

Deloris Nelson, Appellant.

Appellate Case No. 2014-000628

ORDER

Appellant has filed a "Motion for Additional Time to Request Trial Transcript and Response to the Court's Letter Dated August 14, 2014." After consideration of the parties' filings, it has come to this Court's attention that there is a pending Rule 59(e), SCRCP motion that has yet to be ruled on by the lower court. Because Appellant's Rule 59(e) motion is still pending, this appeal is dismissed without prejudice and Appellant's request for additional time to order the transcript is moot. *See Hudson v. Hudson*, 290 S.C. 215, 349 S.E.2d 341 (1986) ("[The service and filing of a Notice of Appeal before the filing of a timely post-trial motion under Rule 59 by any party does not deprive the lower court of jurisdiction to consider the motions. . . . [I]n the event timely post-trial motions are filed under Rule 59, simultaneously with or subsequent to the filing of a Notice of Appeal, . . . the appeal shall be dismissed without prejudice. . . . Any party can appeal within ten (10) days after the order disposing of the post-trial motions.").


FOR THE COURT

Columbia, South Carolina

cc:
Nathaniel Roberson, Esquire
Ian Douglas McVey, Esquire

FILED
10/29/14