

The South Carolina Court of Appeals

EWB, LLC, Respondent,

v.

Island Tire Service, Inc., Karen Watson, Terry Fowler,
TER/KAR, LLC, and Barbara Karen Watson as Personal
Representative of the Estate of Billy Lee Watson,
Defendants,

Of whom Karen Watson, TER/KAR, LLC, and Barbara
Karen Watson as Personal Representative of the Estate of
Billy Lee Watson, are the Appellants.

Appellate Case No. 2014-001898

ORDER

Respondent has filed a motion to remand, arguing (1) there are matters not affected by the appeal that should be decided by the lower court and (2) the order granting partial summary judgment is not immediately appealable. Appellants consent to the remand of the appeal for all remaining issues to be resolved by the lower court.

The order granting partial summary judgment is immediately appealable. *See* S.C. Code Ann. § 14-3-330(1) (1977). As to the issues that remain pending below, Rule 205, SCACR, provides the lower court may proceed with "matters not affected by the appeal." Therefore, the lower court may proceed to trial on issues it determines are permitted by Rule 205. *See Tillman v. Oakes*, 398 S.C. 245, 256, 728 S.E.2d 45, 51 (Ct. App. 2012) (explaining the lower court may proceed with matters not affected by the appeal). Respondent's motion to remand is denied, and this court will proceed with the pending appeal.


FOR THE COURT

FILED

11/20/14

Columbia, South Carolina

cc:

Terry A. Finger, Esquire

William M. Bowen, Esquire