



The South Carolina Court of Appeals

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December 09, 2014

The Honorable Paul B. Wickensimer
Courthouse
305 E North St
Greenville SC 29601-2121

REMITTITUR

Re: Cheyenne Burrell v. Capital Growth
Lower Court Case No. 2013CP2305159
Appellate Case No. 2014-002080

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,

V. Claire Allen, Deputy

CLERK

Enclosure

cc: Curtis W. Dowling, Esquire
Matthew Gregory Gerrald, Esquire
William Ashley Jordan, Jr., Esquire

The South Carolina Court of Appeals

Cheyenne Burrell and Richard Burrell, Respondents,

v.

Capital Growth Corporation d/b/a CGC Management
Company and Fairhill, Ltd. d/b/a Fairhill Ltd., L.P.,
Appellants.

Appellate Case No. 2014-002080

ORDER

After careful consideration of the parties' filings, Respondents' motion to dismiss is granted because the underlying orders on appeal are not immediately appealable. *See Jefferson v. Gene's Used Cars, Inc.*, 295 S.C. 317, 368 S.E.2d 456 (1988) (recognizing that the grant or denial of a Rule 55(c), SCRCPP, motion to set aside an entry of default is not directly appealable); *Breland v. Love Chevrolet Olds, Inc.*, 339 S.C. 89, 93, 529 S.E.2d 11, 13 (2000) (stating the denial of a Rule 12(b), SCRCPP, motion to dismiss is not immediately appealable); *id.* at 95, 529 S.E.2d at 14 (holding the fact that an appellate court may have decided an appeal of a particular kind of order on the merits is not dispositive of whether the order is appealable when the issue of appealability was not raised).



FOR THE COURT

Columbia, South Carolina

cc: Curtis W. Dowling, Esquire
Matthew Gregory Gerrald, Esquire
William Ashley Jordan, Jr., Esquire

