



The South Carolina Court of Appeals

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December 18, 2014

The Honorable Julie J. Armstrong
100 Broad St Ste 106
Charleston SC 29401-2210

REMITTITUR

Re: BTM Machinery v. Michael Finley
Lower Court Case No. 2013CP1004366
Appellate Case No. 2014-001963

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,


CLERK

Enclosure

cc: Carl Everette Pierce, II, Esquire
Joseph C. Wilson, IV, Esquire
K. Douglas Thornton, Esquire
Brian C Duffy, Esquire
Kristen Bates Fehsenfeld, Esquire

The South Carolina Court of Appeals

BTM Machinery, Inc., Respondent,

v.

Michael J. Finley, individually and d/b/a Finley &
Associates, Kathryn A. Finley, Wilbur Ross McMillan,
Jr., and 4M Iron, LLC, Defendants,

Of whom Michael J. Finley is the Appellant.

Appellate Case No. 2014-001963

ORDER

This Court requested the parties serve and file memoranda addressing whether the order on appeal is immediately appealable. The parties submitted appealability memoranda.

After careful consideration of the parties' memoranda and the applicable law, this Court dismisses the appeal because the order is not immediately appealable. *See* S.C. Code Ann. § 14-3-330(1), (2)(a) (1976) (providing this court has appellate jurisdiction to review final judgments and interlocutory orders (1) involving the merits or (2) affecting a substantial right when the order "in effect determines the action and prevents a judgment from which an appeal might be taken or discontinues the action"); *Grosshuesch v. Cramer*, 377 S.C. 12, 30, 659 S.E.2d 112, 122 (2008) (stating "discovery orders, in general, are interlocutory and are not immediately appealable because they do not, within the meaning of the appealability statute, involve the merits of the action or affect a substantial right").


FOR THE COURT

FILED
12/2/14

Columbia, South Carolina

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K. Douglas Thornton, Esquire
Brian C. Duffy, Esquire
Kristen Bates Fehsenfeld, Esquire