

# The South Carolina Court of Appeals

Morningstar Fellowship Church, Appellant/Respondent,

v.

York County, South Carolina, Respondent/Appellant.

Appellate Case No. 2015-000262

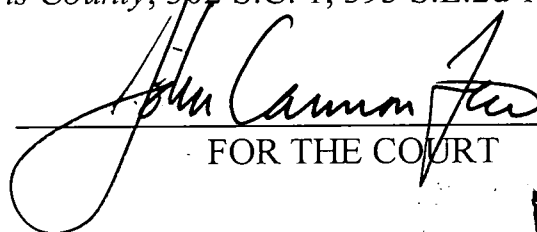
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## ORDER

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Respondent/Appellant has filed a motion to dismiss this appeal, alleging the "order on Defendant York County's motion to exclude damages and motion *in limine*" is not immediately appealable. Appellant/Respondent has filed a return, arguing the order is immediately appealable pursuant to section 14-3-330(2) of the South Carolina Code (1976 & Supp. 2014). Specifically, Appellant/Respondent contends the order disposes of all of its claims for which it could recover damages and deprives it of any ability to obtain an appealable judgment on those claims.

After careful consideration, this appeal is dismissed because the underlying order is not immediately appealable. We note that the order does not have the effect of determining the action and preventing a judgment from which an appeal might be taken. *See* S.C. Code Ann. § 14-3-330(2) (1976 & Supp. 2014) (providing an order affecting a substantial right is immediately appealable when the order "in effect determines the action and prevents a judgment from which an appeal might be taken"). In fact, Respondent/Appellant indicates it has filed a motion for entry of judgment, and the motion is pending before the circuit court. If the circuit court grants the motion, nothing prevents Appellant/Respondent from appealing at that time. In addition, all interlocutory orders may be appealed after final judgment. *See Link v. School Dist. of Pickens County*, 302 S.C. 1, 393 S.E.2d 176 (1990).

  
C.J.  
FOR THE COURT

**FILED**  
4/16/15

Columbia, South Carolina

cc:

Richard B. Fennell, Esquire

Daniel Joseph Ballou, Esquire

Walter Keith Martens, Esquire

Michael Kurt Kendree, Sr., Esquire