

The South Carolina Court of Appeals

Ida Lord, Appellant,

v.

D & J Enterprises, Inc. d/b/a Cash on the Spot,
Respondent.

Appellate Case No. 2012-208267

ORDER

Appellant filed a notice of appeal from an order granting summary judgment and an order denying Appellant's Rule 59(e), SCRCF, motion due to Appellant's failure to comply with Rule 59(g), SCRCF. Respondent has filed a motion to dismiss, contending that Appellant's appeal is untimely because the time for filing an appeal from the order granting summary judgment was not tolled by her 59(e) motion due to her failure to comply with Rule 59(g). After careful consideration, Respondent's motion to dismiss is denied. *See Gallagher v. Evert*, 353 S.C. 59, 63, 577 S.E.2d 217, 219 (Ct. App. 2002) ("The notes to Rule 59, SCRCF, indicate that subsection (g) was added 'to help insure the judge is promptly notified that the motion has been filed.' There is no indication that the failure to transmit a copy of the motion to the circuit court affects the tolling provision of Rule 203(b)(1), SCACR. Therefore, the time for filing the notice of appeal did not begin to run until after the circuit court denied the motion . . .").


FOR THE COURT

Columbia, South Carolina

FILED

Carter 9/11/12

cc:

Leland B. Greeley

Arthur Kerr Aiken

Robert J. Reeves