



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

September 24, 2012

The Honorable Jeanette W. McBride
PO Box 2766
Columbia SC 29202-2766

REMITTITUR

Re: Rest Assured v. SCDEW (2)
Lower Court Case No. 2011CP4004262
Appellate Case No. 2012-212462

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: Debra Sherman Tedeschi
Thornwell F. Sowell, III
David Cochran Dick, Jr.

The South Carolina Court of Appeals

Rest Assured, LLC, Respondent,

v.

South Carolina Department of Employment and
Workforce, Appellant.

Appellate Case No. 2012-212462

ORDER

Appellant filed a Notice of Appeal from an order of the Court of Common Pleas denying Appellant's motion to dismiss and granting Respondent's motion to transfer. Specifically, the court found the Administrative Law Court, rather than the Court of Common Pleas, was the proper jurisdiction for the appeal and transferred the case to the Administrative Law Court pursuant to Rule 204 of the South Carolina Appellate Court Rules. Respondent has filed a motion to dismiss this appeal, contending the underlying order is not immediately appealable. Appellant filed a return and a motion to consolidate this appeal with another appeal from a previous order of the Administrative Law Court involving the same case. Because the order transferring the appeal from the Court of Common Pleas to the Administrative Law Court is not a final order and thus not immediately appealable, Respondent's motion to dismiss is granted. Furthermore, because this appeal is dismissed, Appellant's motion to consolidate is denied.


FOR THE COURT

Columbia, South Carolina

FILED

9/5/12 AS

cc:

Debra Sherman Tedeschi

Thornwell F. Sowell, III

David Cochran Dick, Jr.