

The South Carolina Court of Appeals

Sabrina D. Davis, Appellant,

v.

Bankers Life and Casualty Company, Respondent.

Appellate Case No. 2014-001867

ORDER

Appellant filed a notice of appeal from the circuit court's order, which granted Respondent's motion to dismiss her case without prejudice for failure to properly serve respondent with the summons and complaint.

After careful review, this court dismisses the appeal because the underlying order is not immediately appealable pursuant to section 14-3-330 of the South Carolina Code (1976). The court notes the underlying order is not a final adjudication of the case because the circuit court's dismissal without prejudice specifically allows Appellant to serve and file a complaint alleging the same causes of action in a new case. *See Int'l Fidelity Ins. Co. v. China Constr. America (SC) Inc.*, 375 S.C. 175, 181, 650 S.E.2d 677, 680 (Ct. App. 2007) ("[A] dismissal of a claim without prejudice is not an adjudication of the merits of the controversy and has no preclusive effect as a matter of law."); *Collins v. Sigmon*, 299 S.C. 464, 467, 385 S.E.2d 835, 837 (1989) (recognizing when a court dismisses a case without prejudice, "the plaintiff can reassert the same cause(s) of action" in another case). This case will be remitted to the circuit court pursuant to Rule 221, SCACR.


FOR THE COURT

Columbia, South Carolina

FILED
6/29/16

cc: Sabrina D. Davis
Sarah Day Hurley, Esquire