

The South Carolina Court of Appeals

FLASR Inc. and EDM I LLC, Appellants,

v.

InMotion Consulting Group, LLC, Respondent.

Appellate Case No. 2016-001105

ORDER

The appellant filed a notice of appeal from a pretrial order of the circuit court denying its motion to dismiss for lack of personal jurisdiction. The respondent subsequently filed a motion to dismiss this appeal as interlocutory. For the reasons stated below, the motion is granted.

Generally, the denial of a motion to dismiss is not immediately appealable. *Ex parte Capital U-Drive-It, Inc.*, 369 S.C. 1, 6, 630 S.E.2d 464, 467 (2006) (holding the right of appeal arises from and is controlled by statutory law); S.C. Code Ann. § 14-3-330 (1976 & Supp. 2015) (allowing for immediate appeal of an interlocutory order in certain situations); *McLendon v. S.C. Dep't of Highways & Pub. Transp.*, 313 S.C. 525, 526 n.2, 443 S.E.2d 539, 540 n.2 (1994) (interpreting section 14-3-330 and holding that, like the denial of a motion for summary judgment, the denial of a motion to dismiss does not establish the law of the case and the issue raised by the motion can be raised again at a later stage of the proceedings and, therefore, is not directly appealable).

Accordingly, this appeal is dismissed. The remittitur will be sent pursuant to Rule 221(b), SCACR.


_____, J.
FOR THE COURT

FILED

August 23, 2016

Columbia, South Carolina

cc:

Michael S. Cashman, Esquire

Allen L. West, Esquire