

The South Carolina Court of Appeals

American Community Bank, a division of Yadkin Valley
Bank & Trust, Respondent,

v.

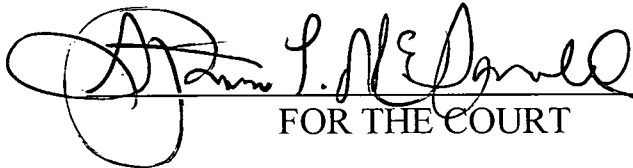
Michael R. Brown, C.W. Horne, Shortt Auction & Realty
Co., Inc., Bank of America, N.A., and Jaguar Portfolio,
LLC, Defendants,

Of whom Michael R. Brown is the Appellant.

Appellate Case No. 2016-001838

ORDER

Respondent has filed a motion to dismiss, arguing the issue Appellant will raise on appeal is governed by the law of the case doctrine because Appellant failed to raise it in a prior appeal. Because Respondent seeks dismissal on a substantive basis, which is inappropriate at this stage of the appeal, the motion is denied. Nothing precludes Respondent from raising this argument in its brief, and this court will consider the merits of this appeal once briefing is complete and the appeal has been assigned to a panel.


FOR THE COURT

Columbia, South Carolina

FILED

December 7, 2016

cc: John Martin Foster, Esquire
James W. Sheedy, Esquire
Susan Elizabeth Driscoll, Esquire