

The South Carolina Court of Appeals

Byrdnest, LLC, Craig Sedmak, Stephanie Sedmak, and
Wesley Nau, Respondents,

v.

Johnathan Ramaci, Haverly Ramaci, Richard Scott, and
Billy Ulm, Defendants,

Of whom Johnathan Ramaci is the Appellant,

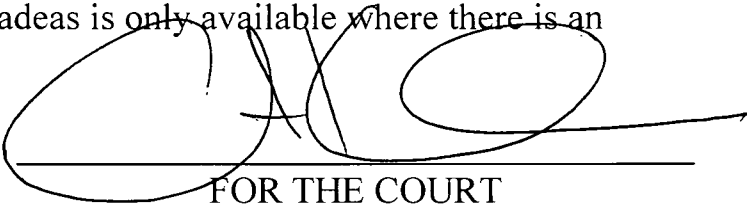
And Billy Ulm is a Respondent.

Appellate Case No. 2017-000529

ORDER

Appellant served and filed a notice of appeal from a circuit court order denying Appellant's motion for a permanent injunction. Respondents have filed a motion to dismiss this appeal. After a thorough review of the parties' filings, we grant Respondents' motion to dismiss. We agree with Respondents that Appellant's motion for a permanent injunction was merely a restatement of his arguments in his motion for summary judgment, which the circuit court also denied. *Richland Cty. v. Kaiser*, 351 S.C. 89, 94, 567 S.E.2d 260, 262 (Ct. App. 2002) ("It is the substance of the requested relief that matters 'regardless of the form in which the request for relief was framed.'" (quoting *Standard Fed. Sav. & Loan Ass'n v. Mungo*, 306 S.C. 22, 26, 410 S.E.2d 18, 20 (Ct. App. 1991))). Because the denial of a motion for summary judgment is not appealable, we grant Respondents' motion to dismiss. *Watson v. Underwood*, 407 S.C. 443, 453, 756 S.E.2d 155, 160 (Ct. App. 2014) ("The denial of a motion for summary judgment is not appealable because it does not finally determine anything about the merits or strike a defense."). The remittitur will be sent as required by Rule 221(B), SCACR.

Appellant also filed a petition for writ of supersedeas to stay the proceedings. Because the underlying order is not immediately appealable, we deny Appellant's petition for writ of supersedeas. *State v. Hill*, 314 S.C. 330, 332, 444 S.E.2d 255, 256 (1994) ("[A] writ of superseadeas is only available where there is an appealable order.").



FOR THE COURT

Columbia, South Carolina

cc:
Allen Mattison Bogan
Benjamin Alexander Crute Traywick
Cory E. Manning
Adam Jesse Hegler
J. Rutledge Young, III
Julie Lauren Moore

FILED
May 11, 2017