



The South Carolina Court of Appeals

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August 10, 2017

The Honorable Jeanette W. McBride
PO Box 2766
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REMITTITUR

Re: Earl Kinley v. Waste Management
Lower Court Case No. 2016CP4000067
Appellate Case No. 2017-001443

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: Russell Grainger Hines, Esquire
Stephen Lynwood Brown, Esquire
Duke Raleigh Highfield, Esquire
Jeffrey J. Wiseman, Esquire
William Oglesby Sweeny, IV, Esquire
Shane Morris Burroughs, Esquire
Vincent Austin Sheheen, Esquire

The South Carolina Court of Appeals

Earl Kinley, Respondent,

v.

Waste Management of South Carolina, Inc. and
Chambers Richland County Landfill, Inc., Appellants.

Appellate Case No. 2017-001443

ORDER

After careful consideration of Respondent's motion to dismiss and the underlying orders, this appeal is dismissed. *See Olson v. Faculty House of Carolina, Inc.*, 354 S.C. 161, 168, 580 S.E.2d 440, 444 (2003) (reiterating that an order denying summary judgment is never immediately appealable and expressly overruling several cases that allowed for immediate review of an order denying summary judgment); *Ballenger v. Bowen*, 313 S.C. 476, 477, 443 S.E.2d 379, 380 (1994) (explaining an order denying summary judgment does not have the effect of striking any defenses, does not establish the law of the case, and "decides nothing about the merits of the case, but simply decides the case should proceed to trial"). The remittitur will be sent as provided in Rule 221 of the South Carolina Appellate Court Rules.


FOR THE COURT

Columbia, South Carolina

FILED

July 18, 2017

cc:
Russell Grainger Hines, Esquire
Stephen Lynwood Brown, Esquire

Duke Raleigh Highfield, Esquire
Jeffrey J. Wiseman, Esquire
William Oglesby Sweeny, IV, Esquire
Shane Morris Burroughs, Esquire
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