



The South Carolina Court of Appeals

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September 15, 2017

The Honorable Paul B. Wickensimer
Courthouse
305 E North St
Greenville SC 29601-2121

REMITTITUR

Re: HHH Ltd. of Greenville v. Randall S. Hiller
Lower Court Case No. 2013CP2305575
Appellate Case No. 2015-000159

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: Randy A. Skinner, Esquire
John T. Crawford, Jr., Esquire
Randall Scott Hiller, Esquire

The Supreme Court of South Carolina

RECEIVED

HHH Ltd. of Greenville, Respondent,

SEP 14 2017

v.

SC Court of Appeals

Randall S. Hiller, Robert E. Hiller and Randall S. Hiller,
P.A., Petitioners.

Appellate Case No. 2016-001910
Lower Court Case No. 2013-CP-23-05575

ORDER


Based on the vote of the Court, the petition for a writ of certiorari is denied.

FOR THE COURT

BY



CLERK



Columbia, South Carolina

September 8, 2017

cc:

Randy A. Skinner, Esquire
John T. Crawford, Jr., Esquire
Randall Scott Hiller, Esquire
The Honorable Paul B. Wickensimer
The Honorable Jenny Abbott Kitchings

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

HHH Ltd. of Greenville, Respondent,

v.

Randall S. Hiller, Robert E. Hiller, and Randall S. Hiller,
P.A., Appellants.

Appellate Case No. 2015-000159

Appeal From Greenville County
Letitia H. Verdin, Circuit Court Judge

Unpublished Opinion No. 2016-UP-338
Submitted April 1, 2016 – Filed June 29, 2016

APPEAL DISMISSED

Randall Scott Hiller, of Greenville, for Appellants.

Randy A. Skinner, of Skinner Law Firm, LLC, John T.
Crawford, Jr., of Kenison Dudley & Crawford, LLC, and
M. Stokely Holder, of Holder, Padgett, Littlejohn &
Prickett, LLC, all of Greenville, for Respondent.

PER CURIAM: Appeal dismissed pursuant to Rule 220(b), SCACR, and the
following authorities: *Mountain Lake Colony v. McJunkin*, 308 S.C. 202, 204, 417

S.E.2d 578, 579 (1992) (finding ordinarily, a decision granting or denying an order of reference is not immediately appealable); *Williford v. Downs*, 265 S.C. 319, 321, 218 S.E.2d 242, 243 (1975) (noting an exception to the general rule if the reference order's result will deprive a party of a mode of trial *to which he is entitled*); *Verenes v. Alvanos*, 387 S.C. 11, 15, 690 S.E.2d 771, 772 (2010) ("Whether a party is entitled to a jury trial is a question of law."); *Wachovia Bank, Nat'l Ass'n v. Blackburn*, 407 S.C. 321, 328, 755 S.E.2d 437, 441 (2014) ("Appellate courts may decide questions of law with no particular deference to the circuit court's findings."); *Albertson v. Robinson*, 371 S.C. 311, 315, 638 S.E.2d 81, 83 (Ct. App. 2006) ("An action to set aside a transfer as fraudulent pursuant to the Statute of Elizabeth is an action in equity."); *Williford*, 265 S.C. at 321, 218 S.E.2d at 243 ("In equity the parties are not entitled, as a matter of right, to a trial by jury."); *Blackburn*, 407 S.C. at 328, 755 S.E.2d at 441 ("However, counterclaims—including those raised in equitable actions—may, at times, be entitled to a jury trial."); *id.* at 329, 755 S.E.2d at 441 ("If the complaint is equitable and the counterclaim is legal *and compulsory*, the plaintiff or the defendant has a right to a jury trial on the counterclaim." (emphasis added)); *id.* at 328, 755 S.E.2d at 441 ("If the complaint is equitable and the counterclaim is legal and permissive, the defendant waives his right to a jury trial."); *First-Citizens Bank & Trust Co. of S.C. v. Hucks*, 305 S.C. 296, 298, 408 S.E.2d 222, 223 (1991) ("By definition, a counterclaim is compulsory only if it arises out of the same transaction or occurrence as the opposing party's claim."); *N.C. Fed. Sav. & Loan Ass'n v. DAV Corp.*, 298 S.C. 514, 518, 381 S.E.2d 903, 905 (1989) (adopting the "logical relationship test" to determine whether a claim is compulsory or permissive); *Beach Co. v. Twillman, Ltd.*, 351 S.C. 56, 61, 566 S.E.2d 863, 865 (Ct. App. 2002) ("Whether a counterclaim is logically related to the initial claim depends upon the facts of each case.").¹

APPEAL DISMISSED.²

LOCKEMY, C.J., and WILLIAMS and MCDONALD, JJ., concur.

¹ Appellant also appeals the circuit court's denial of his motion for summary judgment. We do not address this issue because it too is not immediately appealable. See *Watson v. Underwood*, 407 S.C. 443, 457, 756 S.E.2d 155, 162 (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.").

² We decide this case without oral argument pursuant to Rule 215, SCACR.