

The South Carolina Court of Appeals

Jami Lee Gray, Appellant,

v.

McLeod Health, Inc., Respondent.

Appellate Case No. 2017-001578

ORDER

Appellant has served and filed a timely appeal from Judge Hyman's June 23, 2017 order dismissing Appellant's whistleblower claim. Appellant has now filed a motion to amend the notice of appeal to instead appeal Judge Hyman's June 27, 2017 order dismissing Appellant's claim for wrongful termination in violation of public policy. Appellant admits she did not timely serve Respondents with a notice of appeal appealing the June 27 order. This court finds the error in appealing the "wrong" order is not a mere clerical mistake. As the Supreme Court of South Carolina stated in *Conner v. Forest Acres*, "the rule [regarding clerical errors] compels us under these facts to find [Respondent was] misled into believing [the June 27 order] not part of this appeal" 348 S.C. 454, 462, 560 S.E.2d 606, 610 (2002). Accordingly, because this court lacks the jurisdiction to hear the appeal of the June 27, 2017 order, the motion to amend is denied. This appeal shall proceed only as to the issues relating to the June 23 order.


FOR THE COURT

Columbia, South Carolina

cc:

Joseph Clay Hopkins, Esquire
William E. Hopkins, Jr., Esquire
Kathy Price Elmore, Esquire

FILED
Sept. 19, 2017

Michael Montgomery Shetterly, Esquire
David Lee Harris, Jr., Esquire