The South Carolina Court of Appeals

Rosa B. Mixon, Respondent,

v.

Nancy C. Lachicotte and Zachary Legare Guzman,
Defendants,

Of whom Nancy C. Lachicotte is the Appellant.

Appellate Case No. 2018-001010

ORDER

This appeal arises out of the denial of the appellant's motion to dismiss. Generally, the denial of a motion to dismiss is not immediately appealable. *See Ex parte Capital U-Drive-It, Inc.*, 369 S.C. 1, 6, 630 S.E.2d 464, 467 (2006) (holding the right to appeal arises from and is controlled by statutory law); S.C. Code Ann. § 14-3-330 (2017) (allowing for an immediate appeal of an interlocutory order in certain situations); *McLendon v. S.C. Dep't of Highways & Pub. Transp.*, 313 S.C. 525, 526 n.2, 443 S.E.2d 539, 540 n.2 (1994) (interpreting section 14-3-330 and holding that, like the denial of a motion for summary judgment, the denial of a motion to dismiss does not establish the law of the case and the issue raised by the motion can be raised again at a later stage of the proceedings and, therefore, is not directly appealable). Accordingly, this appeal is dismissed. The remittitur will be sent pursuant to Rule 221(b) of the South Carolina Appellate Court Rules.

H B Wilson, J.

FOR THE COURT

Columbia, South Carolina

cc: Jeffrey Michael Crudup, Esquire
Michelle Nicole Endemann, Esquire
Gerald C. Smoak, Sr., Esquire

FILED
June 18, 2018