

# The South Carolina Court of Appeals

Hawi Kebede, Mekilit A. Lemu, and Shewangiz K.  
Moses, Respondents,

v.

Amick Farms, LLC and OSI Group, Appellants. AND  
Tizezew Tadese, Respondent,

v.

Amick Farms, LLC and OSI Group, Appellants.

Appellate Case No. 2017-002573

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## ORDER

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Appellants have served and filed a notice of appeal from a circuit court order denying their motion to dismiss under the exclusive remedy provisions of the South Carolina Workers' Compensation Act. Respondents have filed a motion to dismiss, contending the underlying order is not immediately appealable. After careful consideration of the parties' filings, Respondents' motion to dismiss is granted. *See Deskins v. Boltin*, 319 S.C. 356, 357, 461 S.E.2d 395, 395 (1995) (holding an order denying a motion to dismiss based on the exclusivity provision of the Workers' Compensation Act was not immediately appealable); *McLendon v. South Carolina Dep't of Highways and Pub. Transp.*, 313 S.C. 525, 443 S.E.2d 539 (1994) (holding the denial of a motion to dismiss, like the denial of a motion for summary judgment, does not establish the law of the case and the issue raised by the motion can be raised again at a later stage in the proceedings). The remittitur will be sent as required by Rule 221(b), SCACR.



FOR THE COURT

**FILED**

June 20, 2018

Columbia, South Carolina

cc:

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