



The South Carolina Court of Appeals

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July 10, 2018

The Honorable Margaret Bostick
PO Box 248
Ridgeland SC 29936-0248

REMITTITUR

Re: Thomas Dunn v. William Pike Jones
Lower Court Case No. 2017CP2700511
Appellate Case No. 2018-001015

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: Benjamin Terrell Coppage, Esquire
Sean Michael Bolchoz, Esquire
Bert Glenn Utsey, III, Esquire

The South Carolina Court of Appeals

Thomas E. Dunn, individually and as Personal
Representative of the Estate of Dorothea E. Dunn,
Respondent,

v.

William Pike Jones, Susan Berry Jones, Jasper
Development and Construction, LLC, Land Development
and Consulting Services, Inc., Land Development
Services, Inc., SPJ, LLC, Appellants.

Appellate Case No. 2018-001015

ORDER

This appeal arises out of the denial of the appellants' motion to dismiss pursuant to Rule 12(b)(6), SCRCPP. 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.


FOR THE COURT

FILED

June 19, 2018

Columbia, South Carolina

cc:

Benjamin Terrell Coppage, Esquire

Sean Michael Bolchoz, Esquire

Bert Glenn Utsey, III, Esquire