



The South Carolina Court of Appeals

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POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

August 22, 2017

The Honorable Julie J. Armstrong
100 Broad St Ste 106
Charleston SC 29401-2210

REMITTITUR

Re: Byrdnest, LLC v. Johnathan Ramaci
Lower Court Case No. 2013CP1004874
Appellate Case No. 2017-000529

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: Allen Mattison Bogan, Esquire
Benjamin Alexander Crute Traywick, Esquire
Cory E. Manning, Esquire

Adam Jesse Hegler, Esquire
J. Rutledge Young, III, Esquire
Julie Lauren Moore, Esquire
Alexandra Scott Williams, Esquire

The South Carolina Court of Appeals

Byrdnest, LLC, Craig Sedmak, Stephanie Sedmak, and
Wesley Nau, Respondents,

v.

Johnathan Ramaci, Haverly Ramaci, Richard Scott, and
Billy Ulm, Defendants,

Of whom Johnathan Ramaci is the Appellant,

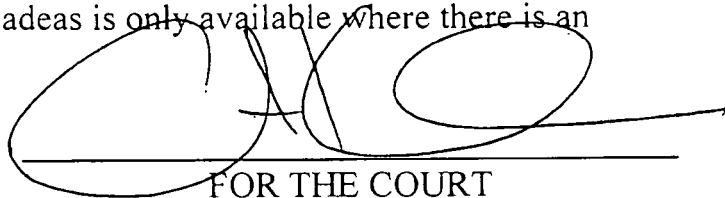
And Billy Ulm is a Respondent.

Appellate Case No. 2017-000529

ORDER

Appellant served and filed a notice of appeal from a circuit court order denying Appellant's motion for a permanent injunction. Respondents have filed a motion to dismiss this appeal. After a thorough review of the parties' filings, we grant Respondents' motion to dismiss. We agree with Respondents that Appellant's motion for a permanent injunction was merely a restatement of his arguments in his motion for summary judgment, which the circuit court also denied. *Richland Cty. v. Kaiser*, 351 S.C. 89, 94, 567 S.E.2d 260, 262 (Ct. App. 2002) ("It is the substance of the requested relief that matters 'regardless of the form in which the request for relief was framed.'" (quoting *Standard Fed. Sav. & Loan Ass'n v. Mungo*, 306 S.C. 22, 26, 410 S.E.2d 18, 20 (Ct. App. 1991))). Because the denial of a motion for summary judgment is not appealable, we grant Respondents' motion to dismiss. *Watson v. Underwood*, 407 S.C. 443, 453, 756 S.E.2d 155, 160 (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."). The remittitur will be sent as required by Rule 221(B), SCACR.

Appellant also filed a petition for writ of supersedeas to stay the proceedings. Because the underlying order is not immediately appealable, we deny Appellant's petition for writ of supersedeas. *State v. Hill*, 314 S.C. 330, 332, 444 S.E.2d 255, 256 (1994) ("[A] writ of superseadeas is only available where there is an appealable order.").



FOR THE COURT

Columbia, South Carolina

cc:

Allen Mattison Bogan
Benjamin Alexander Crute Traywick
Cory E. Manning
Adam Jesse Hegler
J. Rutledge Young, III
Julie Lauren Moore

FILED

May 11, 2017