



# The South Carolina Court of Appeals

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July 16, 2019

The Honorable Paul B. Wickensimer  
Courthouse  
305 E North St  
Greenville SC 29601-2121

## REMITTITUR

Re: Milton and Marla Gatlin v. John M. Hornbeck and Custom Castles Roofing  
Lower Court Case No. 2018CP2300695  
Appellate Case No. 2019-001035

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: Wendell Leon Hawkins, Esquire  
Coy David Beale, Jr., Esquire  
Thomas Jefferson Goodwyn, Jr., Esquire  
Aimee Victoria-Ann Leary, Esquire

# The South Carolina Court of Appeals

Milton A. Gatlin and Marla S. Gatlin, Respondents,

v.

John M. Hornbeck, III, Custom Castles Roofing and Construction, Inc. and Custom Castles Construction, LLC, Appellants.

Appellate Case No. 2019-001035

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## ORDER

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This appeal arises out of an order of the circuit court denying the appellants' motion to dismiss or stay the proceeding. Because the order on appeal is not final, the appeal is dismissed. *See Levi v. N. Anderson Cty. EMS*, 409 S.C. 374, 382, 762 S.E.2d 44, 48 (Ct. App. 2014) (quoting *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)) ("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. Therefore, the denial of a motion to dismiss is not directly appealable. . . ."). The remittitur will be sent pursuant to Rule 221(b) of the South Carolina Appellate Court Rules.



FOR THE COURT

Columbia, South Carolina

cc:

Wendell Leon Hawkins, Esquire

Coy David Beale, Jr., Esquire

Thomas Jefferson Goodwyn, Jr., Esquire

Aimee Victoria-Ann Leary, Esquire

**FILED**

June 28, 2019