

The Supreme Court of South Carolina

Mary Margaret Devey, Individually and as Personal
Representative of the Estate of Robert L. Devey,
Respondent,

v.

Johnson & Johnson; Johnson & Johnson Consumer, Inc.;
CVS Pharmacy, Inc.; Piggly Wiggly Carolina Company,
Inc.; Metropolitan Life Insurance Company; and Rite Aid
of South Carolina, Inc., Defendants,

Of which Johnson & Johnson and Johnson & Johnson
Consumer, Inc., are the Appellants.

and

Terran Dupree, Respondent,

v.

Johnson & Johnson; Johnson & Johnson Consumer, Inc.;
Imerys Talc America, Inc. f/k/a Luzenac America, Inc.;
Piggly Wiggly Carolina Company, Inc.; CVS Pharmacy,
Inc.; Rite Aid of South Carolina, Inc., Defendants,

Of which Johnson & Johnson and Johnson & Johnson
Consumer, Inc., are the Appellants.

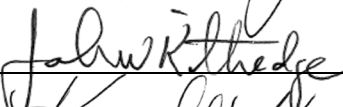
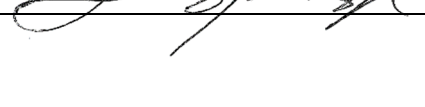
Appellate Case No. 2020-000644

ORDER

Appellants have appealed an order of the circuit court consolidating these two actions for trial. That appeal is currently pending in the court of appeals.¹

¹ Appellate Case Number 2020-000662.

Appellants now ask this Court to certify the appeal pursuant to Rule 204(b), SCACR. We grant the request and certify the case to this Court. Because the consolidation order does not involve the merits of the action or affect Petitioners' substantial rights, it is an interlocutory order that is not immediately appealable. *See* S.C. Code Ann. § 14-3-330 (indicating an interlocutory order that involves the merits of an action or affects a party's substantial rights may be immediately reviewed by an appellate court); *see also* *Salmonsens v. CGD, Inc.*, 377 S.C. 442, 453, 661 S.E.2d 81, 87 (2008) (holding claims of denial of a mode of trial require a determination of whether or not a party is erroneously denied a trial by jury in a law case, or is erroneously required to proceed before a jury in an equity case; however, the mode of trial analysis always includes the consideration of the availability of trial). Accordingly, we dismiss the appeal.

	C.J.
	J.
	J.
	J.
	J.

Columbia, South Carolina

July 8, 2020

cc: C. Mitchell Brown, Esquire
Allen Mattison Bogan, Esquire
Nicholas Andrew Charles, Esquire
Louis P. Herns, Esquire
William Christopher Swett, Esquire
Amy Harmon Geddes, Esquire
Mark H. Wall, Esquire
Moffatt G. McDonald, Esquire
W. David Conner, Esquire
Scott Edward Frick, Esquire
The Honorable Jenny Abbott Kitchings