



The South Carolina Court of Appeals

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October 19, 2020

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

REMITTITUR

Re: David Rosen v. Josephine Middleton
Lower Court Case No. 2018CP2300513
Appellate Case No. 2019-002040

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,


CLERK

Enclosure

cc: Helena LeeAnn Jedziniak, Esquire
Joshua Thomas Hawkins, Esquire
Devon Marc Puriefoy, Esquire
Howard Walton Anderson, III, Esquire

The South Carolina Court of Appeals

David Rosen, Appellant,

v.

Josephine Middleton, Respondent.

Appellate Case No. 2019-002040

ORDER

Respondent's motion to dismiss this appeal is granted because the underlying order granting relief under Rule 60(b), SCRCP, is not immediately appealable pursuant to section 14-3-330 of the South Carolina Code (2017). See *Pocisk v. Sea Coast Const. of Beaufort*, 380 S.C. 584, 671 S.E.2d 98 (Ct. App. 2008) (holding the grant of a Rule 60(b) motion to set aside a consent judgment is not immediately appealable); *Pioneer Associates, Inc. v. Ticor Title Ins. Co.*, 300 S.C. 346, 387 S.E.2d 711 (Ct. App. 1989) (holding the grant of a Rule 60(b) motion to set aside a default judgment is not immediately appealable).


FOR THE COURT

Columbia, South Carolina

cc:

Helena LeeAnn Jedziniak, Esquire
Joshua Thomas Hawkins, Esquire
Devon Marc Puriefey, Esquire
Howard Walton Anderson, III, Esquire

FILED

March 19, 2020