

# The South Carolina Court of Appeals

John Kubilis, Respondent,

v.

Wayne Hunter Wallace and The Star Tavern, LLC d/b/a  
Star Tavern, Defendants,

Of whom Wayne Hunter Wallace is the Appellant.

Appellate Case No. 2020-001471

---

## ORDER

---

This appeal arises out of an order of the circuit court finding Appellant in default. Because a defaulting party may not appeal from a default judgment, we dismiss the appeal. *See Winesett v. Winesett*, 287 S.C. 332, 334, 338 S.E.2d 340, 341 (1985) (explaining a direct appeal does not lie from a default judgment; instead, the proper procedure for challenging a default judgment is to move the trial court to set aside the judgment pursuant to Rule 60(b), SCRPC). The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

  
FOR THE COURT

Columbia, South Carolina

cc:

Kenneth Ray Moss, Esquire  
Gene McCain Connell, Jr., Esquire  
George N. Spirakis, Esquire

**FILED**  
**Nov 17 2020**

---