

The South Carolina Court of Appeals

South Carolina Department of Revenue, Respondent,

v.

Newberry Lodge No. 2211, Loyal Order of Moose, d/b/a
Moose Lodge 2211, Appellant.

Appellate Case No. 2012-205586

ORDER

Appellant has filed a motion to remand this matter to the Administrative Law Court (ALC) because the order on appeal is not a final decision. Respondent filed a return, opposing the motion to remand and instead requesting this court to dismiss the appeal. In the order on appeal, the ALC remands the case to South Carolina Department of Revenue to hold the matter in abeyance until a final determination of illegality is issued by the magistrate's court. After careful consideration, this appeal is dismissed because the underlying order on appeal is not final. *See* Rule 201(a), SCACR ("Appeal may be taken, as provided by law, from any *final* judgment, appealable order or decision." (emphasis added)); *Charlotte-Mecklenburg Hosp. Auth. v. S. Carolina Dept. of Health & Envtl. Control*, 387 S.C. 265, 267, 692 S.E.2d 894 (2010) (holding that an order from the ALC is not a final order "[i]f there is some further act which must be done by the court prior to a determination of the rights of the parties").


FOR THE COURT

Columbia, South Carolina

FILED

ST 3/28/13

cc:

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