

The South Carolina Court of Appeals

Charles Benjamin "Ben" Dickerson and Gale M.
Dickerson, Respondents,

v.

TLC Corporate
TLC The Laser Center (Institute), Inc., f/k/a TLC The
Laser Center (Piedmont), Inc.,
TLC Physicians
Jonathan Woolfson, M.D., Jeffery Machat, M.D., Derek
P. Van Veen, O.D., Cynthia Wike Yeager, O.D., John
Potter, M.D., and David Kohler, O.D., Defendants,

Of whom TLC The Laser Center (Institute), Inc., f/k/a
TLC The Laser Center (Piedmont), Inc., Cynthia Wike
Yeager, O.D. and John Potter, M.D. are the Appellants.

And

Michael "Chad" Luce, Respondent,

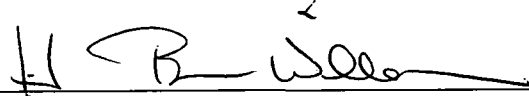
v.

TLC Corporate
TLC The Laser Center (Institute), Inc., f/k/a TLC The
Laser Center (Piedmont), Inc.
TLC Physicians
Jonathan Woolfson, M.D., Derek P. Van Veen, O.D.,
Cynthia Wike Yeager, O.D., and John Potter, M.D.
Defendants,

Of whom TLC The Laser Center (Institute), Inc., f/k/a
TLC The Laser Center (Piedmont), Inc., Cynthia Wike
Yeager, O.D. and John Potter, M.D. are the Appellants.


ORDER

Appellants appeal orders from the circuit court denying Appellants' motion to dismiss and granting Respondents' motion to compel discovery. Respondents filed a motion to dismiss, arguing the orders are not immediately appealable. Appellant filed a return, arguing exceptional circumstances warrant an immediate appeal. After careful consideration of the parties' filings, Respondents' motion to dismiss is granted because the orders are not immediately appealable. *See* S.C. Code Ann. § 14-3-330 (1976 & Supp. 2012) (providing this court has appellate jurisdiction to review final judgments and interlocutory orders (1) involving the merits or (2) affecting a substantial right when the order "in effect determines the action and prevents a judgment from which an appeal might be taken or discontinues the action."); *Ferguson v. Charleston Lincoln/Mercury, Inc.*, 344 S.C. 502, 510, 544 S.E.2d 285, 290 (Ct. App. 2001) ("As a general rule, a discovery order is not immediately appealable because it is an interlocutory order."); *Allison v. W.L. Gore & Associates*, 394 S.C. 185, 188, 714 S.E.2d 547, 549 (2011) ("A circuit court order denying a motion to dismiss for lack of subject matter jurisdiction is not directly appealable because, among other things, it does not affect the merits."); *Huntley v. Young*, 319 S.C. 559, 560, 462 S.E.2d 860, 861 (1995) ("The denial of a Rule 12(b)(6) motion does not establish the law of the case nor does it preclude a party from raising the issue at a later point or points in the case."). Accordingly, Appellants' appeal is dismissed.



FOR THE COURT

Columbia, South Carolina

FILED
4/5/13 

cc: W. Howard Boyd, Jr.
Steven Edward Buckingham
Douglas F. Patrick
Stephen R.H. Lewis
J. Edward Bell, III
Jeffrey Ryan Heiskell
James Walter Fayssoux, Jr.
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