



The South Carolina Court of Appeals

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March 23, 2022

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Re: Judith Brown v. Chloe Tonney
Appellate Case No. 2021-000185

Dear Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

V. Claire Allen

CLERK

cc: Capers G. Barr, III, Esquire

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Judith A. Brown, as Personal Representative for the
Estate of Mildred C. Knight, and Norman R. "Bobby"
Knight III, Appellants,

v.

Chloe Knight Tonney, Respondent.

Appellate Case No. 2021-000185

Appeal From Charleston County
Capers G. Barr, III, Special Referee

Unpublished Opinion No. 2022-UP-149
Submitted March 17, 2022 – Filed March 23, 2022

APPEAL DISMISSED

Jackson Seth Whipper, of Whipper Law Firm, of North
Charleston, for Appellants.

Charles S. Altman and Kelli E.M Goldstein, of The Law
Offices of Charles S. Altman, of Charleston, for
Respondent.

PER CURIAM: Judith A. Brown, as Personal Representative for the Estate of
Mildred C. Knight, and Norman R. "Bobby" Knight III appeal the special referee's

order denying their motion to amend their complaint. Because this order is not immediately appealable, the appeal is dismissed pursuant to Rule 220(b), SCACR, and the following authorities: *Tillman v. Tillman*, 420 S.C. 246, 248, 801 S.E.2d 757, 759 (Ct. App. 2017) ("Generally only final judgments are appealable."); *id.* at 249, 801 S.E.2d at 759 ("Some exceptions to the final judgment rule are set forth in section 14-3-330 of the South Carolina Code (2017), which provides for the appealability of certain interlocutory orders."); *id.* ("Subsection (1) [of section 14-3-330] allows for the immediate appeal of orders 'involving the merits.' An order involves the merits when it 'finally determine[s] some substantial matter forming the whole or a part of some cause of action or defense" (alterations in original) (quoting *Mid-State Distribs., Inc. v. Century Importers, Inc.*, 310 S.C. 330, 334, 426 S.E.2d 777, 780 (1993)); *Baldwin Const. Co. v. Graham*, 357 S.C. 227, 230, 593 S.E.2d 146, 147 (2004) (stating section 14-3-330(2) allows an appellate court to review "[a]n order affecting a substantial right made in an action when such order (a) in effect determines the action and prevents a judgment from which an appeal might be taken or discontinues the action, (b) grants or refuses a new trial or (c) strikes out an answer or any part thereof or any pleading in any action" (alteration in original)); *id.* at 230, 593 S.E.2d at 146-47 (finding that when a circuit court has not struck a pleading but refused to allow its filing, the order denying the motion to amend is not immediately appealable).

APPEAL DISMISSED.¹

WILLIAMS, C.J., VINSON, J., and LOCKEMY, A.J., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.