

The South Carolina Court of Appeals

Gregory Cutlip, individually and as a member of the
Legends Property Owners Association, Inc. and Parkland
Property Owners Association, Inc., Respondent,

v.

LDY Properties, LLC, Estate and/or Trust of Larry D.
Young, Legends Property Owners Association, Inc.,
Parkland Property Owners Association, Inc., Legends
Properties, LLC, New Town Management, LLC, Michael
R. Latta, Marianne Johnson, Carl A. Rubano, Camden C.
McCarl, Robert L. Schechter, Richard Apolenis, John K.
Manley, Michael Marino, Legends Golf Holding, LLC,
Jigger Holding, LLC, and Daniel Larry Young, Jr.,
Defendants,

Of which LDY Properties, LLC; Larry D. Young;
Legends Properties, LLC; and Legends Golf Holding,
LLC are the Appellants.

Appellate Case No. 2022-000152

ORDER

After careful consideration, Respondent's motion to dismiss is granted. *See* S.C. Code Ann. § 14-3-330 (2017); *McLendon v. S.C. Dep't of Highways & Pub. Transp.*, 313 S.C. 525, 526, 443 S.E.2d 539, 540 (1994) (holding a motion to dismiss is not immediately appealable under section 14-3-330); *id.* at 526 n.2, 443 S.E.2d 539, 540 n.2 ("Like the denial of a motion for summary judgment, the denial of a motion to dismiss does not establish the law of the case and the issue raised by the motion can be raised again at a later stage of the proceedings."); *Ballenger v. Bowen*, 313 S.C. 476, 476, 443 S.E.2d 379, 379-80 (1994) (dismissing appeal of an order denying summary judgment and rejecting the appellants' argument that the order was immediately appealable because the language of the

order had the effect of striking their defense of *res judicata*). Because we dismiss this appeal, we decline to rule on Respondent's motion to lift any automatic stay. Respondent's motion for costs is premature. *See* Rule 222(d), SCACR ("A party desiring costs to be taxed shall, within fifteen (15) days of the issuance of the remittitur, serve and file a motion requesting that costs be assessed under this Rule."). To the extent Respondent moves for sanctions under Rule 269, SCACR, the motion is denied.

This appeal is dismissed. The remittitur will be sent as required by Rule 221(b), SCACR.


FOR THE COURT

Columbia, South Carolina

cc:
Christopher Michael Ramsey, Esquire
Everett Augustus Kendall, II, Esquire

FILED
Mar 24 2022