



# The South Carolina Court of Appeals

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May 16, 2013

Mr. G. Dana Sinkler  
PO Box 1254  
Charleston SC 29402

Re: Nationwide Mutual v. Eagle Windows & Doors  
Appellate Case No. 2013-000631

Dear Counsel:

Enclosed is an order regarding your appeal. The remittitur will be sent as provided by Rule 221(b), SCACR.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: Jason Michael Imhoff

# The South Carolina Court of Appeals

Nationwide Mutual Insurance Company, Inc., and  
Gilliam Construction Company, Inc., Respondents,

v.

Eagle Windows & Doors, Inc., American Architectural  
Products Corporation, Window and Door Concepts, Inc.,  
Charles Goad, Hobbit Plastering, Inc., Phillip L. Bender,  
Upstate Waterproofing, Inc., Dale Coleman and Gary  
Churchill, Defendants,

Of whom Eagle Windows & Doors, Inc. is the Appellant.

Appellate Case No. 2013-000631

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## ORDER

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Appellant has filed a notice of appeal from the denial of a motion for summary judgment. After careful consideration, this appeal is dismissed because it is not immediately appealable. *See Ballenger v. Bowen*, 313 S.C. 476, 443 S.E.2d 379 (1994) ("[The Supreme Court of South Carolina] has repeatedly held that the denial of summary judgment is not directly appealable . . . . A denial of a motion for summary judgment decides nothing about the merits of the case, but simply decides the case should proceed to trial. The denial of summary judgment does not establish the law of the case, and the issues raised in the motion may be raised again later in the proceedings . . . ." (citations omitted)).

  
FOR THE COURT

**FILED**

5-17-13-AS

Columbia, South Carolina

cc:

G. Dana Sinkler

Jason Michael Imhoff