

**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**

Dana Advocaat, both individually and as Trustee of the
Advocaat Living Trust dated March 7, 2019, Respondent,

v.

Community Services Associates, Inc., Appellant.

Appellate Case No. 2020-001500

Appeal From Beaufort County
Brooks P. Goldsmith, Circuit Court Judge

Unpublished Opinion No. 2024-UP-082
Submitted February 1, 2024 – Filed March 20, 2024

DISMISSED

Benjamin Edward Nicholson, V, of Burr & Forman,
LLP, of Columbia; Douglas Walker MacKelcan, III, and
Skyler Cole Wilson, both of Copeland, Stair, Valz &
Lovell, LLP, of Charleston, and Michael Christopher
Masciale, of O'Reilly Law Firm, LLC, of Charleston, for
Appellant.

Ian S. Ford and Ainsley Fisher Tillman, both of Ford
Wallace Thomson, LLC, of Charleston, for Respondent.

PER CURIAM: Community Services Associates, Inc. (CSA), appeals the circuit court's order granting the motion of Dana Advocaat, a resident of Sea Pines Plantation on Hilton Head Island, individually, and as Trustee of the Advocaat Living Trust dated March 7, 2019, requesting to inspect CSA's corporate records. We dismiss.

"An appeal ordinarily may be pursued only after a party has obtained a final judgment." *State v. Wilson*, 387 S.C. 597, 599, 693 S.E.2d 923, 924 (2010) (quoting *Hagood v. Sommerville*, 362 S.C. 191, 194, 607 S.E.2d 707, 708 (2005)). "The right of appeal arises from and is controlled by statutory law." *Hagood*, 362 S.C. at 194, 607 S.E.2d at 708. "The determination of whether a party may immediately appeal an order issued before or during trial is governed primarily by" section 14-3-330 of the South Carolina Code (2017). *Id.* at 195, 607 S.E.2d at 708. "An order generally must fall into one of several categories" in section 14-3-330 "to be immediately appealable." *Id.* This court reviews on appeal:

- (1) Any intermediate judgment, order or decree in a law case *involving the merits* . . . ;
- (2) An 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;
- (3) A final order affecting a substantial right made in any special proceeding or upon a summary application in any action after judgment; and
- (4) An interlocutory order or decree in a court of common pleas granting, continuing, modifying, or refusing an injunction or granting, continuing, modifying, or refusing the appointment of a receiver.

S.C. Code Ann. § 14-3-330 (2017) (emphases added).

We find the order on appeal does not meet any of the requirements provided in section 14-3-330. The order does not relate to an injunction or appointment of a receiver. *See* §14-3-330(4). It is not a final order made in any special proceeding

or on a summary application in the action *after* judgment. *See* § 14-3-330(3). The order does not involve the merits of this action, which generally involve allegations of misuse of the gate fees. *See* § 14-3-330(1). Further, the order does not affect any substantial right. *See* § 14-3-330(2). In addition, the order does not effectively determine or discontinue the action, grant or deny a new trial, or strike out any portion of CSA's pleadings. *See id.*

CSA is seeking review of an order that is essentially a discovery order. The appeal of such an order is interlocutory and not immediately appealable. *See Wallace v. Interamerican Tr. Co.*, 246 S.C. 563, 568–69, 144 S.E.2d 813, 816 (1965) (holding "a discretionary order granting the right to inspect books, papers and documents . . . is not appealable before final judgment"); *id.* (finding such an order did not "involve[] the merits" or "affect[] any substantial right" such as to make it appealable before final judgment); *Ex parte Whetstone*, 289 S.C. 580, 580, 347 S.E.2d 881, 881 (1986) ("An order directing a party to participate in discovery is interlocutory and not directly appealable"); *Tucker v. Honda of S.C. Mfg., Inc.*, 354 S.C. 574, 577, 582 S.E.2d 405, 406 (2003) ("[A]n order compelling discovery does not ordinarily involve the merits of the case and may not be appealed."); *id.* at 577, 582 S.E.2d at 406–07 ("Since a contempt order is final in nature, an order compelling discovery may be appealed only after the trial court holds a party in contempt."); *id.* at 577, 582 S.E.2d at 407 ("Thus, a party may comply with the order and waive any right to challenge it on appeal or refuse to comply with the order, be cited for contempt, and appeal.").

APPEAL DISMISSED.¹

THOMAS, MCDONALD, and VERDIN, JJ., concur.

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