

**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**

Hubert Bethune, Respondent,

v.

Waffle House, Inc., Appellant.

Appellate Case No. 2014-002058

Appeal From Anderson County
Alexander S. Macaulay, Circuit Court Judge

Unpublished Opinion No. 2016-UP-276
Submitted March 1, 2016 – Filed June 8, 2016

AFFIRMED

Andrew F. Lindemann, of Davidson & Lindemann, PA,
of Columbia, for Appellant.

Rodney M. Brown, of Rodney M. Brown, P.A., of
Fountain Inn, for Respondent.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following authorities: S.C. Code Ann. § 22-3-10(2) (2007) ("Magistrates have concurrent civil jurisdiction in . . . actions for damages for injury to rights pertaining to the person or personal or real property, if the damages claimed do not exceed seven

thousand five hundred dollars"); *Lake v. Reeder Constr. Co.*, 330 S.C. 242, 248, 498 S.E.2d 650, 653 (Ct. App. 1998) ("Lack of subject matter jurisdiction can be raised at any time, can be raised for the first time on appeal, and can be raised *sua sponte* by the court."); Rule 41(a)(2), SCRCP ("[A]n action shall not be dismissed at the plaintiff's instance save upon order of the court and upon such terms and conditions as the court deems proper.").

AFFIRMED.¹

HUFF, A.C.J., and SHORT and THOMAS, JJ., concur.

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