

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

2001 OCT -3 AM 10:47

JULIE S. ARMSTRONG
CLERK OF COURT

Katina Joy,

Respondent,

v.

Arthur Sheppard and Christopher D. Joy, Jr.,

Defendants,

of whom,

Arthur Sheppard, is,

Appellant.

Appeal From Charleston County
Judy C. Bridges, Family Court Judge

Unpublished Opinion No. 2001-UP-116
Heard February 6, 2001 - Filed February 27, 2001

APPEAL DISMISSED

Gregory S. Forman and David L. DeVane, both of
Charleston, for appellant.

Natalie P. Bluestein and Robert L. Diamond, both of
Charleston, for respondent.

PER CURIAM: In this paternity action, Arthur Sheppard appeals from a family court order requiring him to submit to a paternity test. The order was issued following a Rule 60(b)(3), SCRCF motion to set aside an earlier order excluding Sheppard as the biological father of Shakeia Joy. In addition to ordering a new paternity test and addressing payment for the test, the second order requires that "all other issues raised by the Plaintiff's Motion and the parties' pleadings will be held in abeyance until the paternity test results have been received in this matter." We find this appeal to be interlocutory and dismiss pursuant to Rule 220(b)(2) & (c), SCACR, and the following authorities: S.C. Code Ann. § 14-3-330 (1976 & Supp. 2000) (defining which orders are appealable); McKay v. Matthews, 81-OR-822 (S.C. Sup. Ct. Order dated October 20, 1981) (finding order compelling blood test in a paternity action to be an order compelling discovery and therefore interlocutory); Lowndes Prods., Inc. v. Brower, 262 S.C. 431, 205 S.E.2d 184 (1974) (holding that orders denying or compelling discovery are interlocutory and not directly appealable); Adickes v. Allison & Bratton, 21 S.C. 245 (1884) ("Any judgment or decree, leaving some further act to be done by the court before the rights of the parties are determined, is interlocutory; but if it so completely fixes the rights of the parties that the court has nothing further to do in the action, then it is final.").

APPEAL DISMISSED.

HEARN, C.J., CURETON and SHULER, JJ., concur.