

# The South Carolina Court of Appeals

Hass Construction Company, Inc.,  
Clontz-Garrison Mechanical, Inc.,  
Utilities Construction Company, Inc., Respondents,

v.

South Carolina State University, Appellant,

and

The South Carolina Procurement Review  
Panel, Respondent.

The Honorable William P. Keesley  
The Honorable Alexander S. Macaulay  
Richland County  
Trial Court Case No. 1998-CP-40-02380  
1998-CP-40-02466

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## ORDER

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By order dated March 27, 2002, a judge of this court granted the respondents' joint motion to dismiss the appeal.<sup>1</sup> By order dated August 21, 2002, a panel of this court affirmed the single judge order dismissing the appeal. Based upon a review of the file, the only circuit court orders remaining on appeal before this court are (1) the order dismissing the Third-Party

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<sup>1</sup> See Respondents' Joint Motion to Dismiss dated February 8, 2002. The motion to dismiss was directed at orders of Judge Alexander S. Macaulay dated October 4, 2001 (i.e. Second Order of Remand) and December 14, 2001 (i.e. Denial of Motion to Reconsider).

Defendant, International Fidelity Insurance Company filed October 4, 2001, and (2) the order denying South Carolina State University's motion to alter or amend filed February 25, 2002.

I.

The appellant, South Carolina State University, has filed a motion to hold the appeal regarding the two above noted orders in abeyance. International Fidelity Insurance Company opposes the motion. Based upon a review of the motion and return, the motion to hold the appeal in abeyance is DENIED.

II.

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South Carolina State University has filed a motion for an automatic stay. As previously noted, a panel of this court recently affirmed the single judge order of dismissal. The motion for automatic stay is now moot as this court has no subject matter jurisdiction over the appeal from the orders which were the subject of the respondents' joint motion to dismiss.

III.

The respondents, Hass Construction Company, Clontz-Garrison Mechanical, and Utilities Construction Company, have filed a joint motion for costs due to this court's action in granting their joint motion to dismiss the appeal. The joint motion for costs shall be held in abeyance pending issuance of the remittitur.

IT IS SO ORDERED.



August 29, 2002

cc: Neil Haldrup, Esq.