

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 22-1457**

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SUZANNE SCIBEK, individually, and on behalf of her minor children, C.S., J.S.,  
E.S.; JACOB SCIBEK; J.S., a minor; E.S., a minor; C.S., a minor,

Plaintiffs - Appellants,

v.

LAURA GEE GILBERT; CRACKER BARREL OLD COUNTRY STORE, INC.,

Defendants - Appellees.

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Appeal from the United States District Court for the District of South Carolina, at  
Charleston. David C. Norton, District Judge. (2:20-cv-02638-DCN)

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Submitted: January 13, 2023

Decided: October 3, 2023

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Before KING, WYNN, and RUSHING, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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**ON BRIEF:** Kevin B. Smith, Amanda R. Itterly, HOFFMEN LAW FIRM, LLC, North  
Charleston, South Carolina, for Appellants. Helen F. Hiser, James D. Smith, Jr.,  
MCANGUS, GOUDELOCK & COURIE, LLC, Mount Pleasant, South Carolina, for  
Appellee Cracker Barrel Old Country Store, Inc. Michelle N. Endemann, CLARKSON  
WALSH & COULTER, PA, Charleston, South Carolina, for Appellee Laura Gee Gilbert.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Suzanne and Jacob Scibek sued Cracker Barrel Old Country Store, Inc. and one of its employees, Laura Gee Gilbert, after the Scibeks and Gilbert were involved in a vehicle collision. The Scibeks brought claims for negligence against Gilbert and Cracker Barrel as well as a claim for negligent hiring against Cracker Barrel. Cracker Barrel moved for summary judgment on the two claims against it; Gilbert did not move for summary judgment on the one claim against her. The district court granted summary judgment for Cracker Barrel, and the Scibeks appeal that order.

We have jurisdiction only over final orders, 28 U.S.C. § 1291, and certain interlocutory and collateral orders, 28 U.S.C. § 1292; Fed. R. Civ. P. 54(b); *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 545–546 (1949). Though the district court’s summary judgment order resolved the claims against Cracker Barrel, the claim against Gilbert remains pending in the district court. The court’s order, therefore, is neither a final order nor an appealable interlocutory or collateral order, and we must dismiss the appeal for lack of jurisdiction. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

*DISMISSED*