

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 22-2272**

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ALEXANDRA STEFAN,

Plaintiff - Appellant,

v.

ALLSTATE FIRE AND CASUALTY INSURANCE COMPANY,

Defendant - Appellee.

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Appeal from the United States District Court for the District of South Carolina, at Greenville. Timothy M. Cain, District Judge. (6:20-cv-01780-TMC)

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Submitted: March 27, 2024

Decided: May 10, 2024

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Before GREGORY and QUATTLEBAUM, Circuit Judges, and FLOYD, Senior Circuit Judge.

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Dismissed and remanded by unpublished per curiam opinion.

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**ON BRIEF:** Paul S. Landis, FAYSSOUX & LANDIS ATTORNEYS AT LAW, PA, Greenville, South Carolina, for Appellant. T. David Rheney, Ioannis G. Conits, GALLIVAN WHITE & BOYD, P.A., Greenville, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Alexandra Stefan seeks to appeal the district court's November 16, 2022, order partially granting summary judgment to Defendant in her amended declaratory judgment action relating to an automobile insurance policy. This court may exercise 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, 545-47 (1949). "Ordinarily, a district court order is not final until it has resolved *all* claims as to all parties." *Porter v. Zook*, 803 F.3d 694, 696 (4th Cir. 2015) (internal quotation marks omitted). "Regardless of the label given a district court decision, if it appears from the record that the district court has not adjudicated all of the issues in a case, then there is no final order." *Id.*

Our review of the record reveals that the district court has not adjudicated all the issues in this case. Although the district court adjudicated in a previous order the parties' competing claims regarding Defendant's entitlement to a setoff and adjudicated in the November 16 order the parties' competing claims regarding Stefan's entitlement to underinsured motorist coverage and Defendant's counterclaim that the insurance policy was void, it did not adjudicate the parties' competing claims regarding property damage liability coverage under the policy, their competing requests for costs and attorney's fees, and Defendant's counterclaim for a declaration that Stefan was not entitled to recovery of punitive damages. The district court did not enter a final judgment pursuant to Fed. R. Civ. P. 54(b) and has not issued any order using language "calculated to conclude all the claims before" it. *Martin v. Duffy*, 858 F.3d 239, 246 (4th Cir. 2017) (internal quotation marks

omitted). The order Stefan seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. We therefore dismiss the appeal for lack of jurisdiction and remand to the district court for consideration of the unresolved issues. *Porter*, 803 F.3d at 699.

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 AND REMANDED*