

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF HORRY)	FIFTEENTH JUDICIAL CIRCUIT
)	
)	Civil Action No.: 2021-CP-26-01512
Thomas Wade Long and Clyde Kiser)	
Individually and on behalf of TNW)	
Moore, LLC)	
PLAINTIFFS)	
)	
V.)	ORDER ON DEFENDANT'S
)	MOTION TO RECONSIDER
)	
Timothy D. Kettner, Donald Kettner, and)	
TNT and Moore, Inc. d/b/a Crab Catchers)	
On the Waterfront)	
DEFENDANTS.)	

RECEIVED
Jul 28 2022
SC Court of Appeals

RENEE H. CLAVIS
 CLERK OF COURT
 HORRY COUNTY, SC

This matter came before the Court on Defendant's Rule 59(e) Motion for Reconsideration of Order on Plaintiff's Motion for Temporary Restraining Order. The Court has considered Defendant's Motion and the Plaintiff's response, both filed with the Horry County Clerk of Court and all other matters in the Clerk of Court's file. The Court finds that oral arguments would not assist it in this matter and that any additional arguments would be redundant and unnecessary. It is therefore

ORDERED that Defendant's Rule 59(e) Motion for Reconsideration of Order on Plaintiff's Motion for Temporary Order, is amended as follows.

As to the first question raised in Defendants Motion, the Court's Order on June 17, 2022 did not deal with any type of appeal from the Magistrate or the Summary Court. The Court was not asked to rule on any appeal and did not rule on it in any way in its Order.

As to the second question of standing, the court issued the ruling on June 17, 2022 based upon the allegations set forth in the pleadings and the terms of a prior Order issued Judge

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 J.H.J.

Keesley, all of which the Court believes gave it standing to address the issues set forth in the Order.

As to the third question, the incorrect identification of the fuel tank as a fuel pump was a scrivener's error. Where the Order says fuel pump it should have stated fuel tank and this is corrected. If the fuel tank is now on the property in the same position it was in prior to this Court's initial Order of May 27, 2022 then this portion of the Order has been complied with. Again, the Court is basing its ruling based upon the pleadings as filed in this matter and Judge Keesley's prior Order. As to the dates of compliance, the Court combines all dates of compliance to a single date of July 31, 2022.

As to the fourth question, the Order of the Court did not give any instructions to the Summary/Magistrates Court, as the Order only alerted the Summary Court to the existence of the prior orders of the Circuit Court. Clearly, the Summary Court is free to issue any orders it deems proper.

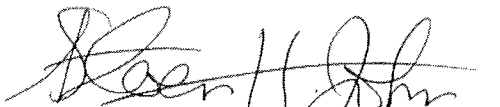
As to the fifth question, as to irreparable harm, likelihood of success, and lack of adequate remedy, the Court amends its prior Order. It is clear from the pleadings and arguments that the property and/or personal rights of the Plaintiff would be irreparably harmed by the continued complained of actions by the Defendants. As to the likelihood of success, the Court finds from the pleadings, the prior Order of Judge Keesley, and the other matters filed in the motion hearings that a prima facie showing has been made entitling the Plaintiff to injunctive relief. As to the adequate remedy at law, the Court finds that monetary relief during the pendency of this action would be ineffective and impractical to prevent the alleged harm to the Plaintiffs property and/or personal rights.

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The court has looked at the various equities and rights as argued by both sides and finds that on a temporary basis pending a final hearing in this matter that this Order addresses these principles in a way that keeps the status quo that existed at the time of the initiation of this action and ensures compliance with the prior order of Judge Keesley and this Court of May 27, 2022.

All terms of Judge Keesley's Order remain in full effect as well as all Orders of this Court except as altered herein. Due to the Court's retirement on June 30, 2022 all further matters as to any order issued by the undersigned must be presented to the new Chief Administrative Judge for the Court of Common Pleas starting July 1, 2022, the Honorable William Seals.

June 30, 2022
Conway, South Carolina



The Honorable Steven H. John
Chief Administrative Judge

