STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF GEORGETOWN	)	FIFTEENTH JUDICIAL CIRCUIT
	)	
The Gulfstream Café, Inc.,	)	CIVIL ACTION NO: 2019-CP-22-00212
	)	
Plaintiff,	)	
vs.	)	**ORDER**
	)	
Georgetown County, Georgetown County Council, and Steve Goggans, individually and in his official capacity as Georgetown County Councilmember,	)	
	)	
Defendant.	)	

This matter came before the Court for a bench trial which began on August 29, 2022, and concluded on September 1, 2022. The Plaintiff was represented by Simon H. Bloom, Esquire, Sean M. Forester, Esquire, and Andrea J. Pearson, Esquire. Defendants were represented by Henrietta U. Golding, Esquire and Taylor K. Vogel, Esquire. Having carefully considered the pleadings, testimony, evidence, arguments, and post-trial briefs, for the reasons set forth below, the Court finds in favor of the Defendants on all causes of action.

FINDINGS OF FACT

In 1982, Georgetown County created a Planned Development (PD) named Marlin Quay located on South Waccamaw Drive in Garden City, South Carolina. This PD is home to the Marlin Quay Condominiums, Gulfstream Café, and the Marlin Quay Marina Store and Restaurant. In the initial PD, three areas for parking were created. 13 spaces for Gulfstream Café, 60 shared spaces for Gulfstream Café and the Marlin Quay Marina Store and Restaurant, and separate parking for the condominiums. The PD has been amended over time. In 1986, Gulfstream Café was purchased by Jerry Greenbaum; at the time, the parking lot was authorized for use by the Marlin Quay Marina

Store and Restaurant, the Marina boat slips, the Gulfstream Café, and the condominiums. The uses have not changed since the Plaintiff purchased the café.

Plaintiff was granted a non-exclusive easement in 1986 for ingress and egress of the parking lot. With this easement, the Plaintiff was guaranteed "joint and non-exclusive use of the area covered by the easement." The 1990 easement specifically gave Gulfstream:

> A non-exclusive perpetual easement appurtenant to the premises hereinafter described for the full and free right of ingress and egress on, over and across the following described property, together with the rights of vehicular parking on and vehicular and pedestrian access to, all in accordance with all governmental rules, regulations, ordinances or laws, the premises of the hereinafter described, and also for the purpose of maintenance, repair, alteration and/or improvements to hereinafter described property. It is anticipated by the parties that while they will each have joint and non-exclusive use at all times of the area covered by this easement that the Marina will utilize the premises primarily during the daytime regular business hours and Gulfstream will utilize the premises primarily in the evening regular business hours.

Plaintiff was not guaranteed a specific number of parking spots, merely the right of ingress and egress.

In 2014, Palmetto Industrial Development, LLC became the owner of the parking lot and the easement remained with Gulfstream. Today, Plaintiff has a property interest that is a non-exclusive right of ingress and egress of the parking lot with 62 spaces. In addition, Plaintiff owns 17 of their own parking spaces exclusively for Gulfstream and 6 additional parking spaces underneath the restaurant. The parking lot is located in the Marlin Quay PD with Gulfstream and

Marlin Quay Marina Store and Restaurant. The Marlin Quay PD was one of the first PDs in Georgetown County. Holly Richardson and Boyd Johnson testified that in a PD, zoning regulations are guides, but not requirements.

In 2016, Palmetto hired SGA Architecture, LLC to rebuild the Marina Store and Restaurant; repairs consisted of complying with flood requirements with FEMA, the ADA, and other fire and building codes. Further, the old building encroached on the Marlin Quay Condominiums and the new building would remedy the encroachment. The old building was 1.5 stories tall, with 4,603 heated square feet, and a 2-story outdoor deck. The new building plans were for a 4-story building, with 4,596 heated square feet, and a 3-story outdoor deck with total combined unheated space of 5,326 square feet.

Steve Goggans founded SGA Architecture. Additionally, Goggans was elected to the Georgetown County Council in 2014, however he did not seek re-election in 2022. Goggans was the principal architect for the initial rebuild of the Marina Store and Restaurant. In 2016, Palmetto submitted the first zoning amendment (referred to as 1.0) request to the Georgetown County Planning and Zoning Department as a minor amendment. The minor amendment was accepted and in November 2016 Palmetto demolished the old Marina Store and Restaurant.

Plaintiff appealed the granting of the minor amendment and claimed it should have been a major amendment. Goggans appeared on behalf of Palmetto at the appeal hearing on February 2, 2017. At the time, Goggans was still a member of the Georgetown County Council. Later that year, Plaintiff filed a complaint with the South Carolina Ethics Commission about Goggans' involvement in the minor amendment and the appeals hearing; on September 16, 2019, Goggans received a written warning and paid a civil fine for his actions in the 1.0 amendment process. After

this, Goggans stepped back from his involvement with the projects for Palmetto and was no longer the lead architect on the project.

After the appeal hearing in February of 2017, Palmetto submitted an amended application for a major amendment instead of a minor amendment (referred to as 2.0). Goggans was not involved in the submission of the 2.0 application. Amendment 2.0 was filed on November 3, 2017. On December 21, 2017, the Georgetown County Planning Commission heard the reading of the 2.0 application; Plaintiff's representatives appeared and opposed the amendment. After the hearing, the Commission recommended approval of the 2.0 application.

The 2.0 amendment was presented for public reading on three separate occasions: January 9, 2018, February 13, 2018, and February 27, 2018. Goggans recused himself at all three readings. Representatives of the Plaintiff spoke in opposition to the 2.0 amendment at all three readings. After the third reading, the County Council voted to approve the amendment. Goggans was not part of the vote. The approved 2.0 amendment included: Heated square footage not to exceed 4,598; 62 parking spaces already in place in addition to three compact spaces underneath the new Marina Store and Restaurant; the building would not exceed 45 feet at the middle of the roof; and the total seating capacity would not exceed 110 seats. Plaintiff did not challenge the passing of this ordinance. As of February 27, 2018, the 2.0 application was approved without challenge.

In November 2016, Plaintiff filed a lawsuit against Palmetto over the use of the easement and alleged that their rights had been interfered with. In June 2018, the Plaintiff was awarded a $1,000 jury verdict. Additionally, The Honorable Judge Steven John ordered that Palmetto was not to expand the boundaries of the old Marina Store and Restaurant as those set forth in the 1985 plat records. Subsequently, Palmetto filed another major amendment to comply with this order

(referred to as 3.0). Goggans was not involved in the filing of the amendment or in the voting and approval process of 3.0.

The 3.0 amendment was filed August 27, 2018. Palmetto submitted the application, filing fee, and stamped envelopes to be used for mailing the notices to property owners within a 400-foot radius of the Marina Store and Restaurant. A hearing before the Georgetown Planning Commission was set for October 18, 2018. The Planning and Zoning Department sent out public notice to The Coastal Observer and The Georgetown Times. Prior to the hearing in October 2018, a Staff Report was prepared that detailed the square footage of the proposed amendment and the old building.

After the hearing, the Commission voted to recommend approval to the County Council. The proposed 3.0 amendment was read to the public on three occasions: November 13, 2018, December 11, 2018, and January 8, 2019. Plaintiff's representatives opposed the 3.0 amendment at the hearing and all three public readings. At the end of the reading on January 8, 2019, the County Council voted to approve the 3.0 amendment. The only changes made between 2.0 and 3.0 were to keep the footprint of the building inside the old footprint and that the roof not exceed 47 feet. There was no change in heated square footage, the 62 parking spaces, or the 110 person seating capacity that were present in the 2.0 approval. Upon approval of the 3.0 amendment, Ordinance 2018-40 was passed to amend the PD to allow construction of 3.0.

PLAINTIFF'S CAUSES OF ACTION

The following causes of action are at issue:

1. Declaratory Judgment to invalidate approval of Palmetto's Application for Major Amendment;

2. Violation of Substantive Due Process Rights under Article I Section 3 of the South Carolina Constitution;

3. Relief Under 42 U.S.C. § 1983 for Violation of Right to Substantive Due Process under the United States Constitution;

4. Violation of Right to Procedural Due Process under Article I Section 3 of the South Carolina Constitution;

5. Relief Under 42 U.S.C. § 1983 for Violation of Right to Procedural Due Process under the United States Constitution;

6. Violation of South Carolina's Taking Clause under Article I Section 13 of the South Carolina Constitution;

7. Inverse Condemnation; and

8. Attorneys' Fees.

DECLARATORY JUDGMENT

The courts have the "power to invalidate an ordinance where it is so unreasonable as to impair or destroy constitutional rights." *Rush v. City of Greenville*, 246 S.C. 268, 276, 143 S.E.2d 527, 531 (1965). This power should be "exercised carefully and cautiously, as it is not the function of the Court to pass upon the wisdom or expediency of municipal ordinances or regulations." *Id.*

However, a municipal ordinance is presumed to be constitutional. *Town of Scranton v. Willoughby*, 603 S.C. 421, 422, 412 S.E.2d 424, 425 (1992). "Every presumption will be made in favor of the constitutionality of a legislative enactment; and a statute will be declared unconstitutional only when its invalidity appears so clearly so as to leave no room for reasonable doubt that it violates some provision of the Constitution." *Dunes W. Golf Club, LLC v. Town of Mount Pleasant*, 401 S.C. 280, 296, 737 s.e.2D 601, 609 (2013) (quoting *McMaster v. Columbia Bd. Of Zoning Appeals*, 395 S.C. 499, 504, 719 S.E.2d 660, 663 (2011)) (internal quotation marks omitted).

The burden of proving a zoning ordinance to be invalid is on the party who brings the action; to attack it, they must show the arbitrary and capricious nature of the ordinance through clear and convincing evidence. *Dunes*, 401 S.C. at 298, 737 S.E.2d at 610 (quoting *Willoughby*, 306 S.C. at 422, 412 S.E.2d at 425) (internal quotation marks omitted).

Here, Plaintiff's have not overcome the presumption that the legislative enactment was constitutional. There is no evidence that Ordinance 2018-40 was so unreasonable as to impair or destroy constitutional rights. The approval process of 3.0 followed the requirements of public readings and the voting process. The decision was not arbitrary or capricious; the county council voted on this amendment without Goggans partaking in any of the votes or the public readings.

Plaintiff contends that Goggans' actions in the 1.0 amendment "infected" the 2.0 and 3.0 amendments. While Goggans was involved in the creation of 1.0, there is no evidence that he was involved in 2.0 or 3.0. Goggans was reprimanded for his actions with 1.0. After that, Goggans recused himself from all three public readings and the voting process of both 2.0 and 3.0. There is no evidence that Goggans participated in or influenced in any way the new plans contained in the 2.0 or 3.0 amendments. Plaintiff further argues that Goggans convinced or influenced Holly Richardson and Boyd Johnson to overlook Zoning ordinances, but there is no evidence of this. Richardson and Johnson testified that they did not feel pressure or influence from Goggans in the 2.0 or 3.0 process.

Plaintiff also argues that proper notice of the 2.0 and 3.0 amendments were not given. However, Plaintiff's representatives were present at each reading of the amendments and the meetings for the proposed amendment. Plaintiff made their concerns with the amendments known. The Defendants provided notice through the procedures set by the county: stamped envelopes, posting signs, and listings in the local papers.

There is no evidence that Goggans influenced the process of 3.0 or that the decision was made without reason. Plaintiff's claim for declaratory judgment fails.

SUBSTANTIVE DUE PROCESS

Substantive Due Process claims require a claimant to prove (1) that the claimant had a property or property interest; (2) that the state deprived the claimant of the property or property interest; (3) and that the state's action falls so far beyond the outer limits of legitimate governmental authority that no process could cure the deficiency. *Sunrise Corp. of Myrtle Beach v. City of Myrtle Beach*, 420 F.3rd 322, 328 (4th Cir. 2005) (citation omitted) (internal quotation marks omitted). The conduct must be such that it intended to injure in some way unjustifiable by any government interest and is the sort of official action that most likely rises to the level of shocking the conscience. *Cnty. Of Sacramento v. Lewis*, 523 U.S. 833, 849 (1998).

In order for the claimant to prove a denial of substantive due process, a claimant must show that he was "arbitrarily and capriciously deprived of a cognizable property interest rooted in state law." *Denene, Inc. v. City of Charleston*, 359 S.C. 85, 96, 569 S.E.2d 917, 922 (2004) (citation omitted). "In the context of a zoning action involving property, it must be clear that the state's action "has no foundation in reason and is mere arbitrary or irrational exercise of power having no substantial relation to the public health, the public morals, the public safety or the public welfare in its proper sense." *Dunes*, 401 S.C. at 297, 737 S.E.2d at 610 (citation omitted).

When reviewing a challenge to a municipal ordinance in South Carolina, a court must consider whether the ordinance bears a "reasonable relationship to *any* legitimate interest of government." *McMaster*, 395 S.C. at 505, 719 S.E.2d at 663 (citation omitted) (emphasis in original). "In order to successfully assault a city's zoning decision, a citizen must establish that

the decision was arbitrary and unreasonable." *Knowles v. City of Aiken*, 305 S.C. 219, 222, 407 S.E.2d 639, 642 (citation and internal quotation marks omitted).

Plaintiff does have a property interest here. The Plaintiff has a non-exclusive easement granting the right of ingress and egress over the parking lot shared with the Marina Store and Restaurant.

The State has not deprived Plaintiff of their property interest in the parking lot. Plaintiff still retains the right of ingress and egress over the parking lot that was originally granted in the non-exclusive easement. Planned developments, like the Marlin Quay Marina PD, create distinct areas of zoning with separate zoning ordinances. Plaintiff argued that the zoning code was a requirement that had to be followed in the PD, but Richardson and Johnson testified opposite; that a PD is a zoning variance, where the code is a guideline, and not a requirement. Plaintiff did not offer any experts on zoning or planning and did not offer any evidence that said otherwise.

Richardson and Johnson testified that they did not calculate the parking based off of the Zoning ordinance, but that they did require the Marina restaurant to maintain the same number of seats inside the restaurant in order to maintain the same level of patron traffic to the parking lot. The decisions made by the County in regards to the amendments were not completely baseless; they required the Marina Store and Restaurant to have the same seating capacity in the new building that they had in the old building and they limited the heated square footage. Additionally, the approval of the amendments was not without reason, it allowed the property to comply with FEMA and ADA regulations as well as other up to date building codes in addition to fixing the encroachment onto the neighboring property.

Plaintiff spent time conducting calculations of the parking space needs for the parking lot. Plaintiff calculated that Gulfstream would need 76 parking spaces based on the Zoning ordinance.

Prior to the passing of Ordinance 2018-40, the parking lot only contained 68 parking spaces. By Plaintiff's own calculations, the parking lot was non-conforming prior to any amendments to the Marina Store and Restaurant. There is no evidence that the PD was required to follow Zoning ordinances in regards to parking because the PD was created long before the Article 11 Zoning ordinance was written. According to the State of South Carolina, PDs are variations to Zoning ordinances that "constitute zoning ordinance amendments." S.C. Code Ann. § 6-29-740. Plaintiff was not deprived of his property interest in the parking lot. Plaintiff still maintains a non-exclusive right of ingress and egress over the parking lot.

The state's action does not fall so far beyond the outer limits of legitimate governmental authority that no process could cure the deficiency. The state's actions were rationally related to a legitimate government purpose. According to Richardson and Johnson, the old building could not be rebuilt in the new build due to the existing flood regulations, FEMA, the ADA, and building and fire codes. Those new regulations promote the health, safety, and welfare of the community. The county did impose some requirements on the new building: same seating capacity as the original building and a limitation on the amount of heated square footage. These requirements were not arbitrary or capricious, they do not shock the conscience. Plaintiff's claim for Substantive Due Process fails.

PROCEDURAL DUE PROCESS

Procedural Due Process claims require (1) notice, (2) the opportunity to be heard in a meaningful way, and (3) judicial review. *Blanton v. Stathos*, 351 S.C. 534, 542, 570 S.E.2d 565, 570 (Ct. App. 2002) (citing *Grannis v. Ordean*, 234 U.S. 385 (1914)); *Kurschner*, 376 S.C. 165, 171, 656 S.E.2d 346, 350 (2008) (citing S.C. Const. Art. 1, § 22; *Stono River Env't Prot. Ass'n v. S.C. Dep't of Health & Env't Control*, 305 S.C. 90, 94, 406 S.E.2d 340, 342 (1991)).

Plaintiff did not present evidence suggesting that they received no notice, no opportunity to be heard, or no judicial review. Plaintiff was present at every stage of the hearing and approval process for all three amendments. Plaintiff voiced their opposition to the passage of Ordinance 2018-40 at all the readings of the proposed amendment. Plaintiff alleges that the other owners within the area did not receive proper notice. Plaintiff has no standing to complain about the notice of other individuals not party to this lawsuit. However, Plaintiff did not allege they themselves never received proper notice. Further, their presence at all stages of the process would indicate otherwise.

Plaintiff alleges that there were deficiencies in the application thus they did not have the opportunity to be meaningfully heard without those missing items. However, there is no evidence of that. Richardson testified that the application and form for the amendment were complete when turned in. She testified that any of the sections which were not completed were the sections that were not required based on the type of change the applicant was seeking. She further testified that the envelopes were not still attached to the application because they were used to send out the notices. The application was submitted in a timely fashion, giving at least 45 days before the Planning Commission meeting. Richardson and Judy Blankenship testified that Palmetto delivered envelopes address to the required property owners and attached them to the application as to provide notice to those within 400 feet of the property. Blankenship testified that the applicant is not required to provide the letters, just the envelopes, and that the Planning and Zoning Department provide the letters and map of the zoning changes. The notice requirements were substantially complied with. Plaintiff's claim for Procedural Due Process fails.

TAKINGS CLAUSE VIOLATION

For a regulatory taking claim, there are two questions that must be answered: (1) has there been an affirmative government action and (2) does that action result in a taking; *See Byrd v. City of Hartsville*, 365 S.C. 650, 657, 620 S.E.2d 76 (2005). A per se taking occurs where either (1) an owner is required to suffer a permanent physical invasion of property or (2) a regulation denies all economically beneficial or productive use of land. *Dunes*, 401 S.C. at 313, 737 S.E.2d at 619 (quoting *Lucas v. S.C. Coastal Council*, 505 U.S. 1003, 1015-16 (1992)).

Here, the actions by the Planning and Zoning Commission do constitute affirmative government action. The actions of the commission were to correct property lines and bring the building into compliance with numerous codes. The approval of Ordinance 2018-40 was affirmative government action.

Turning to the issue of the taking, plaintiff has not alleged a physical invasion, but has alleged that the passing of Ordinance 2018-40 equates a taking. In this case, there has not been a per se taking because the plaintiff has not been deprived of all economically beneficial or productive use of the land. Plaintiff still retains the non-exclusive easement for ingress and egress over the parking lot. Customers and patrons of Plaintiff still have the ability to use the parking lot. Plaintiff presented no evidence that all economically beneficial use of the land has been deprived, merely that customers may experience difficulty when parking in the parking lot.

Where there is not a per se taking, the claims of a taking are analyzed under a test set forth in *Penn Cent. Transp. Co. v. City of New York*, 438 U.S. 104, 98 S. Ct. 2646, 57 L. Ed.2d 631 (1978). This test evaluates "the character of the government action, the economic impact of the regulation on the claimant, and the extent to which the regulation has interfered with distinct investment-backed expectations." *Id.*

Government regulation by its very nature involves some effect on rights for the benefit of the public good. *Dunes*, 401 S.C. at 315, 737 S.E.2d at 620. In *Dunes*, the Court noted how the Town provided a legitimate public purpose by enacting the ordinance, that the Town did not eliminate all development potential, that the claimant still had a right to sell, and that the Town did not exploit the property for its own use or economic advantage. *Id*, at 316-17, 737 S.E.2d at 620-21. Here, the government action was the passing of Ordinance 2018-40. The county had a legitimate public purpose by enacting Ordinance 2018-40. It provided a safer facility for patrons in the county that was up to newest FEMA and ADA regulations, amongst other building and fire codes.

Not all damages that are suffered by a property owner are compensable. *Dunes*, 401 S.C. at 315, 737 S.E.2d at 620. Where a comparison of the property value before and after the regulatory action happens, that comparison is "by no means conclusive." *Id.* at 317, S.E.2d at 621 (quoting *Keystone Bituminous Coal Ass'n v. DeBenedictis*, 480 U.S. 470, 790 (1987)). A diminution in property value alone cannot establish a taking. *Dunes*, 401 S.C. at 317, 737 S.E.2d at 621 (quoting *Penn Central*, 438 U.S. at 131).

The Plaintiff presented James Mooring, a real estate expert, who testified that the customers and the restaurant may experience some difficulty in parking in the lot and some loss of traffic of customers in the restaurant. Additionally, he testified that the value of Gulfstream would decrease and that the effect of Ordinance 2018-40 would be devastating to Gulfstream's marketability. Plaintiff also presented George Knight, a real estate appraiser, who testified that prior to the passage of Ordinance 2018-40, Gulfstream was appraised at 1.85 Million dollars, but that after the passage of the ordinance, Gulfstream would only be worth $89,500.

Ordinance 2018-40 does not restrict Plaintiff's use of the property. Plaintiff was never entitled to a certain number of parking spaces, but a non-exclusive right of ingress and egress over the parking lot. Plaintiff's appraiser Knight even agreed that his opinion was based on the assumption that there would be no parking available to the Plaintiff. Plaintiff's property is located on an inlet, surrounded by hundreds of condominiums with the opportunity for walk-in traffic that would not utilize the parking lot. Plaintiff's expert Knight even testified that if the property were rezoned for commercial use, it could be extremely valuable. Plaintiff's expert did not visit the property nor was the property ever listed online; Plaintiff never received any offer on the property from a buyer. Defendant presented evidence and testimony on cross-examination of Knight that the property would be highly sought after as it is a marsh-front inlet property across from the beach.

"For government regulation to constitute a taking, the property owner must objectively demonstrate the existence [of] investment-backed expectations." *Dunes*, at 401 S.C. at 320, 737 S.E.2d at 622. When considering what the owner's investment-backed expectations are for the property, the continuation of use is the primary expectation. *Id* at 319, 737 S.E.2d at 622 (quoting *Carolina Chloride*, 394 S.C. at 173, 714 S.E.2d at 878) (internal quotation marks omitted).

Plaintiff does have an investment backed expectation in the use of the non-exclusive easement. Ordinance 2018-40 does not interfere with that easement as Plaintiff still retains a non-exclusive right of ingress and egress. Plaintiff's own witnesses testified that parking has always been a problem. Plaintiff cannot have an investment-backed expectation of full use of the parking lot where the easement does not grant that. The Plaintiff's claim for takings fails.

INVERSE CONDEMNATION

Inverse Condemnation occurs when a governmental agency "commits a taking of private property without exercising its formal powers of eminent domain." *Ray v. City of Rock Hill*, 434 S.C. 39, 45, 862 S.E.2d 259, 262 (2021) (quoting *Hawkins v. City of Greenville*, 358 S.C. 280, 290, 594 S.E.2d 577, 562 (Ct. App. 2004)) (internal quotation marks omitted). A cause of action for inverse condemnation requires the Plaintiff to prove: (1) an affirmative, positive, aggressive act by the governmental agency; (2) a taking; (3) that the taking be for public use; and (4) that the taking have a degree of permanence. *Id.*

As referenced above, there is affirmative action on behalf of the governmental agency. However, also noted above, the passing of Ordinance 2018-40 is not a taking. The Plaintiff's claim of inverse condemnation fails there. Further, there is no evidence of a public use. The parking lot is utilized by private entities for their customers. Additionally, because there is no taking, there is no degree of permanence. Plaintiff's claim for Inverse Condemnation fails.

ATTORNEY'S FEES

In general, attorney's fees are not recoverable unless authorized by a contract or statute. *Baron Data Sys., Inc. v. Loter,* 297 S.C. 382, 377 S.E.2d 296 (1989); *Hegler v. Gulf Ins. Co.,* 270 S.C. 548, 243 S.E.2d 443 (1978); *Collins v. Collins,* 239 S.C. 170, 122 S.E.2d 1 (1961). *Blumberg v. Nealco, Inc.,* 310 S.C. 492, 493, 427 S.E.2d 659, 660 (1993). In the Summons and Complaint, the Plaintiff claims entitlement to attorney's fees under 28 U.S.C § 1988.

In South Carolina, the standard for determining the amount of reasonable attorney's fees is as follows: (1) the nature, extent, and difficulty of the case; (2) the time necessarily devoted to the case; (3) professional standing of counsel; (4) contingency of compensation; (5) beneficial results obtained; (6) customary legal fees for similar services. *Glasscock v. Glasscock*, 304 S.C. 158, 403 S.E.2d 313, (1991).

Here, the Plaintiff has not obtained beneficial results. As such, the Plaintiff is not entitled to attorney's fees.

CONCLUSION

Based upon the foregoing, the Court finds in favor of the Defendant on all causes of action.

IT IS SO ORDERED.

September 3, 2023
Sumter, SC

R. Kirk Griffin, Circuit Court Judge

Georgetown Common Pleas

Case Caption: The Gulfstream Caf? Inc VS Georgetown County , defendant, et al

Case Number: 2019CP2200212

Type: Order/Other

So Ordered

s/ R. Kirk Griffin 2768

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF GEORGETOWN	)	FIFTEENTH JUDICIAL CIRCUIT
The Gulfstream Café, Inc,	)	
Plaintiff,	)	
v.	)	ORDER C/A NO. 2019-CP-22-00212
Georgetown County, Georgetown County Council, and Steve Goggans, individually and in his official capacity as Georgetown County Councilmember,	)	
Defendants	)	

This matter is before the Court pursuant to Rule 59 (e) SCRCP. The Defendants seek an Order of this Court amending or altering its Order of February 3, 2023.

Pursuant to Rule 59 (f) SCRCP, this Court determines that the motion to alter or amend may be decided on briefs filed by the parties.

Having duly considered the motion to alter or amend of the Plaintiffs, this Court has determined that its original Order dated February 3, 2023, is fully supported by the law and the evidence and is hereby ratified and reconfirmed. The motion to alter or amend the earlier Order is therefore DENIED.

AND IT IS SO ORDERED.

Sumter, South Carolina

April 3, 2023

R. Kirk Griffin
Judge, Third Judicial Circuit

Georgetown Common Pleas

Case Caption: The Gulfstream Caf? Inc VS Georgetown County , defendant, et al

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So Ordered

s/ R. Kirk Griffin 2768