

STATE OF SOUTH CAROLINA  
 COUNTY OF GREENVILLE  
 IN THE COURT OF COMMON PLEAS

2013 JUL 15 P 2:47

JUDGMENT IN A CIVIL CASE  
 CASE NUMBER 2011CP2304773, 2011CP2306290

K&S Food Services Inc	Hailees Bar And Grill	Mauldin City Of John Gardner Peter Nomikos	City Council Mauldin Brian Turner Callista LLC
PLAINTIFF(S)		DEFENDANT(S)	

Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant
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**DISPOSITION TYPE (CHECK ONE)**

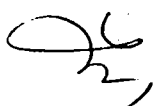
- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**
  - Rule 12(b), SCRPC;
  - Rule 41(a), SCRPC (Vol. Nonsuit);
  - Rule 43(k), SCRPC (Settled);
  - Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**
  - Rule 40(j) SCRPC;
  - Bankruptcy;
  - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
  - Other: \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
  - Affirmed;
  - Reversed;
  - Remanded;
  - Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order; (formal order to follow)  Statement of Judgment by the Court:  
 This matter is before the Court on Plaintiff's Motion to Reconsider. Plaintiff argues that this Court erred in not finding the existence of a genuine issue of material fact as to the Defendants' gross negligence and in granting Summary Judgment for the Defendants. Plaintiff claims that the Court erred in granting Summary Judgment because Defendants failed to comply with discovery. Plaintiff also argues that this Court's award of attorney's fees was insufficient and in error.

The Court respectfully denies Plaintiff's motions for reconsideration. The Court again finds that Plaintiff has failed to present evidence that would create a genuine issue of material fact as to the Defendants' gross negligence beyond the allegations in the complaint and that Summary Judgment was appropriate. Further, the Court finds that Defendants adequately responded to discovery. Finally, this Court finds that in light of the reasons set forth in its former order, the award of attorney's fees is appropriate and not in error.

**ORDER INFORMATION**



This order  ends  does not end the case.

Additional Information for the Clerk:

\_\_\_\_\_  
\_\_\_\_\_

INFORMATION FOR THE JUDGMENT INDEX		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
If applicable, describe the property, including tax map information and address, referenced in the order:		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

  
Circuit Court Judge

2162  
Judge Code

7/10/13  
Date

**For Clerk of Court Office Use Only**


This judgment was entered on 7-15-13, and a copy mailed first class or placed in the appropriate attorney's box on 7-15-13, to attorneys of record or to parties (when appearing pro se) as follows:

Robert Clyde Childs III 2100 Poinsett Hwy., Ste. E  
Greenville, SC 29609

John B. Duggan PO Box 449 Greer, SC 29652  
Edward Zachary Horton PO Box 2464 Greenville, SC  
29602

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)



Paul B. Wickensimer Greenville County Clerk Of

