

STATE OF SOUTH CAROLINA)
)
 COUNTY OF HORRY)
)
 CRAZY HORSE SALOON AND)
 RESTAURANT, INC., SAMANTHA)
 CHRISTIAN, MELISSA FERGUSON,)
 AMY ROBINSON, and CARLOS)
 CASTILLO)
)
 Plaintiff/Counterdefendants,)
)
 v.)
)
 THE TOWN OF ATLANTIC BEACH,)
)
 Defendant/Counterclaimant,)
)
 v.)
)
 DOG LEG RIGHT, LLC, BACKBAY)
 GROUP, LLC, MICHAEL J. PETER,)
 THOMAS P. HUGHES, and LAURA)
 JEAN WATSON.)
)
 Third-Party Counterdefendants.)
 _____)

IN THE COURT OF COMMON PLEAS
 FIFTEENTH JUDICIAL CIRCUIT
 CIVIL ACTION NO. 2025-CP-26-08430

RECEIVED
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SC Court of Appeals

**ORDER GRANTING PLAINTIFFS’
 MOTION FOR TEMPORARY
 INJUNCTION AND DENYING
 DEFENDANT’S MOTION FOR
 TEMPORARY INJUNCTION**

This matter comes before the Court on a Motion filed November 19, 2025, moving the Court to enter a Temporary Injunction enjoining Defendant, the Town of Atlantic Beach, from enforcing or attempting to enforce Ordinance 11-2025 against Plaintiffs and Third Party Counterdefendants. A hearing on Plaintiffs’ Motion was held on February 24, 2026. At the call of the case, William H. Monckton, VI, and Luke Lirot were present on behalf of Plaintiffs and Third Part Counterdefendants. Virginia Bozeman and Scott D. Bergthold were present on behalf of Defendant. The Court has



considered all Motions, Memoranda, affidavits, and exhibits filed in this matter, together with the arguments of counsel.

This Court has jurisdiction over this matter pursuant to § 15-53-20, S.C.C., Rule 57, S.C.R.Civ.P., § 15-53-120, S.C.C., and pursuant to Rule 65, S.C.R.Civ.P.

I. PROCEDURAL HISTORY OF THE CASE

Plaintiffs, CRAZY HORSE SALOON AND RESTAURANT, INC., a South Carolina Corporation, SAMANTHA CHRISTIAN, MELISSA FERGUSON, and AMY ROBINSON, on Behalf of Themselves and Those Similarly Situated, and CARLOS CASTILLO (“Plaintiffs”), filed the operative Amended Complaint in this action on October 31, 2025. The nature of the action was a challenge to THE TOWN OF ATLANTIC BEACH (“Atlantic Beach”) from enforcing or attempting to enforce Ordinance 11-2025, an ordinance alleged to violate Plaintiffs rights to free expression and also challenged as being null and void *ab initio*, based on the conduct and election qualifications of a Member of the Atlantic Beach Town Council.

Plaintiffs filed their Motion for Temporary Injunction on November 11, 2025. Atlantic Beach filed their operative Amended Answer and Counterclaim on January 2, 2026. Atlantic Beach filed its Motion for Temporary Injunction on January 7, 2026. Plaintiffs (now inclusive of the Third-Party Counterdefendants DOG LEG RIGHT, LLC, BACKBAY GROUP, LLC, MICHAEL J. PETER, THOMAS P. HUGHES, and LAURA JEAN WATSON, collectively “Plaintiffs”) filed their Answer and Affirmative Defenses to Atlantic Beach’s Amended Answer and Counterclaim on February 3, 2026. Plaintiffs filed their Response in Opposition to Atlantic Beach’s Motion for

Temporary Injunction on February 9, 2026. Atlantic Beach filed a Memorandum in Support of their Motion for Temporary Injunction on February 13, 2026.

The Court held a hearing on both Plaintiffs' Motion for Temporary Injunction and Atlantic Beach's Motion for Temporary Injunction on February 24, 2026. After the hearing, Atlantic Beach filed another Memorandum in Support of their Motion for Temporary Injunction and a Proposed Order on February 26, 2026. On March 4, 2026, the Court issued a decision and ruled: Plaintiffs' Motion for Temporary Injunction is GRANTED and Defendant's Motion for Temporary Injunction is hereby DENIED. The points and authorities supporting this decision are set forth below.

II. STANDARDS FOR THE AWARD OF TEMPORARY INJUNCTIVE RELIEF

Rule 65 of the South Carolina Rules of Civil Procedure sets forth the procedure for issuing Temporary Injunctive Relief. A Temporary Injunction is necessary to preserve the status quo ante, the last peaceable status between the parties, *A. L. Powell v. Immanuel Baptist Church et al.*, 261 S.C. 219, 199 S.E.2d 60 (1973); *Zabinski, et al v. Bright Acres Associates*, 346 S.C. 580, 553 S.E.2d 110 (2001). Under the relevant case law, a party seeking injunctive relief must demonstrate irreparable harm, a likelihood of success on the merits, and the absence of an adequate remedy of law. *Rawlinson Road Homeowners Association, Inc., vs. Jackson*, 395 S.C. 25, 35, 716 S.E.2d 337 (S.C. App. 2011). The Court must consider each of the three elements to determine whether the drastic remedy of Temporary Injunctive Relief should be granted. The Courts recognize that an injunction is a drastic remedy and should be issued only to prevent irreparable harm suffered by the moving party.

AJG Holdings, LLC, vs. Dunn, 382 S.C. 43 (Ct. App. 2009). The Court must consider each of the three elements to determine whether the drastic remedy of Temporary Injunctive Relief should be granted.

C. ORDINANCE 11-2025 IS NULL AND VOID *AB INITIO* FOR THE FAILURE OF THE TOWN TO HAVE A LAWFULLY COMPOSED GOVERNMENTAL BODY

On September 22, 2025, the Town Council of Atlantic Beach purported to adopt on second reading Ordinance 11-2025, a Sexually Oriented Business Operating Ordinance. A copy of Ordinance 11-2025 is attached to the Amended Complaint as Exhibit "A." Critically, Atlantic Beach is governed by a Mayor, a Mayor "Pro Tem," and three Councilmembers, including Edward Lamar Campbell ("Campbell"). Campbell has been on the Town Council since 01/01/2022, to present.

In seeking office, Campbell executed a "Statement of Candidacy General Election" Form. This form includes an affirmation that the person seeking office has not been "convicted of a felony," or, if so, "it has been 15 years or more after the completed service of the sentence, including probation and parole time." This form was attested to by Campbell on August 31, 2021. A copy of the "Statement of Candidacy General Election" Form is attached to the Amended Complaint as Exhibit "B."

Based on records maintained by United States District Court for the District of South Carolina, in Case No. 4:00 CR 00503-05, Edward Lamare Campbell pleaded guilty and was convicted of one Count on September 18, 2001, and received a sentence of 97 months and committed to the custody of the United States Bureau of Prisons.

The Judgment in a Criminal Case described above is attached to the Amended Complaint as Exhibit "C." Campbell's sentence was modified, and, on January 19, 2007, an Amended Judgment in a Criminal Case was entered, reducing Campbell's 97 month sentence to "time served" of approximately 64 months, but mandating that Campbell be placed on "Supervised Release" for 4 years. The Amended Judgment in a Criminal Case described above is attached to the Amended Complaint as Exhibit "D."

Thereafter, the record reflects that an Order granting a Motion for Early Termination of Supervised Release was granted on November 12, 2009. The Order granting a Motion for Early Termination of Supervised Release described above is attached to the Amended Complaint as Exhibit "E." Pursuant to Article VI, Section 1 of the South Carolina Constitution. "no person may be popularly elected to and serve in any office...unless he possesses the qualifications of an elector...and has not been convicted of a felony under state or federal law." The prohibition does not apply to a person...who files for public office fifteen years or more after the completion date of service of the sentence, including probation and parole time." See S.C. Const. art. VI, Sec 1.

This would indicate that Campbell would not be eligible to vote or hold office until, at the soonest, November 12, 2024, approximately 39 months after Campbell falsely attested to no such felony sentencing issues to prohibit his running for or holding office. Campbell has not filed for, nor been granted, a federal pardon.

On virtually identical grounds, the Court of Common Pleas for the Fifteenth Judicial Circuit found that a candidate for the Town of Atlantic Beach Town Council, Shaun Swinson, was ineligible to hold office because, just like Campbell, Swinson had been convicted of a felony in Federal Court in 2006, and the 15 year time period that was required to have elapsed had not been complied with, because Swinson had not been released from Federal Supervised Release until 2013. The Court stated: “As a result of this evidence, the only logical conclusion is that Swinson is not eligible to be a candidate or run as a candidate until 2028.”

Like Campbell, the Court was critical of Swinson’s blatant misrepresentations: “Yet he completed a Statement of Candidacy for the General Election in the Town of Atlantic Beach and attested on the form that he was not a ‘convicted felon’ and was a qualified candidate. Based on Swinson’s October 17, 2024, testimony, this Court finds by overwhelming evidence that Swinson’s attested statements on the Statement for Candidacy were untrue.” See November 1, 2024, Order in *Booker, et al v. McIver, et al*, Case No.: 2024-CP-26-06062, attached hereto as Exhibit “1.”

The Town of Atlantic Beach is no stranger to election disputes. See *Cole v. Town of Atlantic Beach Election Commission*, 393 S.C. 264 712 S,E,2d 440 (S.C. 2011). In the *Cole* decision, the South Carolina Supreme Court made the following observations:

In *George v. Municipal Election Commission of the City of Charleston*, this Court set forth guiding principles for determining whether the provisions of an election statute are mandatory, or merely directory. 335 S.C. 182, 186, 516 S.E.2d 206, 208 (1999). Generally, courts consider the provisions of election laws mandatory when the statute expressly declares that a particular act is essential to the validity of an election,

or when a party seeks enforcement of the law in a direct proceeding before the election takes place. *Id.* In the interest of avoiding the disenfranchisement of voters after an election has taken place, a statute that uses seemingly mandatory terms such as "shall" or "must," will be considered directory if the party seeking enforcement alleges no fraud or if that party fails to prove fraud. *Id.*

Courts justly consider the main purpose of such law, namely, the obtaining of a fair election and an honest return, as paramount in importance to the minor requirements which prescribe the formal steps to reach that end, and, in order not to defeat the general design, are frequently led to ignore such innocent irregularities of election officers as are free of fraud, and have not interfered with a full and fair expression of the voter's choice. *Id.* (quoting *State ex rel. Parler v. Jennings*, 79 S.C. 414, 419, 60 S.E. 967, 968-69 (1908)). *However, courts may deem statutory provisions mandatory after an election when "the provisions substantially affect the free and intelligent casting of a vote, the determination of the results, an essential element of the election, or the fundamental integrity of the election."* *Id.* at 187, 516 S.E.2d at 208 (citing *Zbinden v. Bond County Cmty. Unit Sch. Dist. No. 2*, 2 Ill.2d 232, 117 N.E.2d 765, 767 (1954)). *Id.* at 273, 274.

The Court also stated that: "The Court ... will not sanction practices which circumvent the plain purposes of the law and open the door to fraud." (Citing *May v. Wilson*, 199 S.C. 354, 360, 19 S.E.2d 467 (S.C. 1942)). In this action, just as in *Cole*, it is clear that a candidate for public office purposely engaged in intentional misrepresentations and his "attested statements on the Statement for Candidacy were untrue." Such conduct reflects not only blatant fraud, but undermines the "fundamental integrity of the election," and renders all actions taken by the Town while Campbell was in office as invalid and null and void *ab initio*.

Based on this, all actions taken by the Town, in any matter or official proceeding involving Campbell as a participant, commentator, and voting member of the Town Council, are null and void *ab initio*, for lacking any properly composed

Council to conduct the governmental functions of the Town. This includes the purported adoption of Ordinance 11-2025.

IV. PLAINTIFFS HAVE NO ADEQUATE REMEDY AT LAW

With regard to the enforcement of Ordinance 11-2025, none of the Plaintiffs have an adequate remedy at law because the Town's efforts to regulate CRAZY HORSE'S business threatens CRAZY HORSE and the "Performer Plaintiffs" with the loss of constitutionally protected rights and freedoms. Additionally, as it pertains to the overwhelming evidence that Campbell's attested statements on the Statement for Candidacy were untrue, there is no "adequate remedy at law" available for this intentional transgression. Therefore, CRAZY HORSE and the "Performer Plaintiffs," have, on this point, met the requisite burden. No amount of money damages could adequately compensate any of the Plaintiffs for the loss of their rights or the "election transgressions" that Campbell has engaged in with impunity.

V. CONCLUSION

As stated at the outset of this submittal, Rule 65 of the South Carolina Rules of Civil Procedure sets forth the procedure for issuing Temporary Injunctive Relief. Under the relevant case law, a party seeking injunctive relief must demonstrate irreparable harm, a likelihood of success on the merits, and the absence of an adequate remedy of law. *Rawlinson Road Homeowners Association, Inc., vs. Jackson*, 395 S.C. 25, 35, 716 S.E.2d 337 (Ct. App. 2011). All named Plaintiffs have satisfied all of these requirements and should obtain the temporary injunctive relief they seek.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that:

1. Plaintiffs are granted a Temporary Injunction and, Defendant, Atlantic Beach, its officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with them, are hereby temporarily enjoined from, in any way, enforcing the provisions of Ordinance 11-2025 as to the Plaintiffs in this action;
2. Defendants Motion for Temporary Judgement is denied.
3. This Order is without prejudice to any findings of fact or findings of law at the ultimate hearing on the merits; and
4. This injunction shall take effect on the date and time on which it is signed and shall remain in effect pending further order of the Court.

IT IS SO ORDERED.

B. Alex Hyman, Judge
15th Judicial Circuit

Conway, South Carolina

Date: _____



Horry Common Pleas

Case Caption: Crazy Horse Saloon And Restaurant Inc , plaintiff, et al VS Atlantic Beach Town Of
Case Number: 2025CP2608430
Type: Order/Temporary Injunction

15th Circuit Resident Judge

s/ B. Alex Hyman