

2016 FEB 24 PM 12 48

STATE OF SOUTH CAROLINA)
CLERK OF COURT)
IN THE COURT OF COMMON PLEAS)
COUNTY OF PICKENS)
PICKENS COUNTY)
SOUTH CAROLINA)
THIRTEENTH JUDICIAL CIRCUIT

MRR Pickens, LLC,)
)
)
Plaintiff,)
)
)
v.)
)
)
County of Pickens and William Cato,)
Weldon Clark, Robert Ballentine, Jo)
Johnston, Dennis Reinert, and Bob Young,)
individually and in their official capacity as)
appointed members of the Pickens County)
Planning Commission,)
)
)
Defendants.)
)
_____)

ORDER

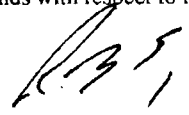
RECEIVED
APR 12 2016
SC Court of Appeals

Case No.: 2016-CP-39-100

This matter comes before the Court pursuant to the Plaintiff's Motion for Emergency Injunctive Relief pursuant to Rule 65 of the South Carolina Rules of Civil Procedure. Each party appeared for the hearing with its respective counsel.

In order to establish the necessity of a preliminary hearing, the moving party must demonstrate: 1) that it would suffer irreparable harm if the injunction is not granted; 2) that it will likely succeed on the merits of the litigation; and 3) there is no adequate remedy at law. *Scratch Golf Co. v. Dunes W. Residential Golf Props., Inc.*, 361 S.C. 117, 121 (2004). After having heard arguments from counsel and thoroughly reviewed the materials submitted, this Court respectfully denies the Plaintiff's Motion for Injunctive Relief. Specifically, the Court finds that the Plaintiff has failed to establish irreparable harm and has failed to demonstrate that there is an inadequate remedy at law.

In addition, the Court notes that each party specifically conceded on the record that the parties did have an agreement and a meeting of the minds with respect to the operation of a Class



Two Landfills 2100 OH PA 12 48
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By the COURT
PICKERS COUNTY
Two Landfills 2100 OH PA 12 48
November 3, 2008, by the South Carolina Department of Health and Environmental Control.
Therefore, upon concession by each party, the parties shall operate under the constraints and allowances of the subject permit issued November 3, 2008, during the pendency of this action. For further clarification, the Plaintiff is specifically proscribed from dumping any coal ash at the subject dump site during the pendency of this action.

The findings of fact and rulings of law in this matter are without prejudice to any ultimate finding of facts or rulings of law issued pursuant to a final hearing on the merits.

AND IT IS SO ORDERED.



ROBIN B. STILWELL

February 22, 2016
Greenville, South Carolina



STATE OF SOUTH CAROLINA

JUDGMENT IN A CIVIL CASE

COUNTY OF PICKENS

2016 FEB 24 PM 12 48

CASE NO: 2016CP3900100

IN THE COURT OF COMMON PLEAS

CLERK OF COURT
PICKENS COUNTY
MRB, Pickens, LLC vs. County of Pickens
SOUTH CAROLINA

RECEIVED
APR 12 2016
SC Court of Appeals

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; Statement of Judgment by the Court:

Order from Judge Robin Stilwell

Dated at Pickens, South Carolina, this 22 day of February, 2016 .

Court Reporter:

PRESIDING JUDGE -

A copy mailed first class this 24th day of February, 2016 to attorneys of record or to parties (when appearing pro se) as follows:

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- ✓ Gary W. Poliakoff PO Box 1571 Spartanburg, SC 29304
- ✓ Kenneth Roper PO Box 246 Pickens, SC 29671

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)
Harold P. Welborn, Jr.
Harold P Welborn, Jr. - Clerk of Court
MB