

FORM 4

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

JUDGMENT IN A CIVIL CASE  
 CASE NUMBER—2017CP2306205

|  |                                    |  |   |
|--|------------------------------------|--|---|
| Christos Sialmas<br>Robert C. Wilson Jr. | Standpipe Family<br>Restaurant LLC | Sarah Maranda Sialmas<br>Mill Town Place LLC<br>Riverside Family Restaurant<br>LLC | Chris & Yanks Place<br>LLC<br>Stand Pipe Family<br>Restaurant LLC |
|--|------------------------------------|--|---|

|               |   |
|---------------|---|
| PLAINTIFF(S)  | DEFENDANT(S)  |
| Submitted by: | Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant<br><input type="checkbox"/> Self-Represented Litigant |

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.  See Page 2 for additional information.
- 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: \_\_\_\_\_
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other: \_\_\_\_\_

**RECEIVED**  
 APR 02 2018  
 SC Court of Appeals

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:

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<br>(List name(s) below) | Judgment Against<br>(List name(s) below) | Judgment Amount To be Enrolled<br>(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.**

**E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.**

2755

Circuit Court Judge

Judge Code

Date

For Clerk of Court Office Use Only

ELECTRONICALLY FILED - 2018 Feb 28 3:25 PM - GREENVILLE - COMMON PLEAS - CASE#2017CP2306205

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

**J. Falkner Wilkes** 114 Whitsett St. Greenville, SC 29601  
**Robert C. Wilson Jr.** 201 Whitsett St. Greenville, SC 29601  
**Robert C. Wilson Jr.** 201 Whitsett St. Greenville, SC 29601

**Hannah Rogers Metcalfe** 1395 South Church Street  
Greenville, SC 29605

---

**ATTORNEY(S) FOR THE PLAINTIFF(S)**

---

**ATTORNEY(S) FOR THE DEFENDANT(S)**

---

**Court Reporter**

---

**Paul B. Wickensimer** Greenville County Clerk Of  
Court - Clerk of Court

**Court Reporter:**

**E-Filing Note:** In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.

---

**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

This matter comes before the Court upon Defendant Sarah Sialmas' Motion to Dismiss the Plaintiff's Amended Complaint. The Motion was heard February 8, 2018. After reviewing the Plaintiff's Amended Complaint, the Plaintiff's causes of action 1-11 and 13 assert rights and remedies on behalf of the Defendant Limited Liability Corporations ("LLCs"); any relief would flow directly to the Defendant LLCs. It is also important to note that the LLCs are named as Defendants, and the Complaint does not allege a demand was made upon the LLCs, nor does the Complaint state why such a demand would not succeed under South Carolina Code Ann. § 33-44-1101. The Court finds that the Plaintiff's claims on behalf of the Defendant LLCs must be asserted in a derivative fashion pursuant to SCRPC Rule 23(b)(1). Therefore, the Court grants Defendant Sarah Sialmas' Motion to Dismiss as to causes of action 1-11 and 13 but denies the Motion to Dismiss the Plaintiff's Twelfth Cause of Action seeking partition.

It is so Ordered.

---

---

---



Greenville Common Pleas

**Case Caption:** Christos Sialmas , plaintiff, et al vs. Sarah Maranda Sialmas ,  
defendant, et al  
**Case Number:** 2017CP2306205  
**Type:** Order/Form 4

So Ordered

s/ Honorable Perry H. Gravely, #2755