

**ORDER VACATING  
PREVIOUS ORDER**

STATE OF SOUTH CAROLINA )  
)  
COUNTY OF CHARLESTON )

SEA ISLAND FOOD GROUP, LLC )  
doing business as SQUEEZE, )

Plaintiff, )

v. )

YASCHIK DEVELOPMENT )  
COMPANY, INC. doing business as )  
YASCHIK ENTERPRISES, HILTON )  
SMITH, EAST BAY COMPANY, )  
LTD., and MICHAEL J. QUILLEN )  
FAMILY LIMITED PARTNERSHIP, )

Defendants. )

MICHAEL J. QUILLEN FAMILY )  
LIMITED PARTNERSHIP, )

Third-Party Plaintiff, )

v. )

TOP OF THE BAY, LLC )

Third-Party Defendant. )

TOP OF THE BAY, LLC, )  
d/b/a CLUB LIGHT )

Fourth-Party Plaintiff, )

v. )

YASCHIK DEVELOPMENT )  
COMPANY, INC. doing business as )  
YASCHIK ENTERPRISES, )

Fourth-Party Defendant. )

IN THE COURT OF COMMON PLEAS

Case No. 2013-CP-10-7107.

**ORDER VACATING PREVIOUS ORDER  
FILED JULY 14, 2015**

FILED  
2017 NOV -8 AM 10:00  
JULIE J. ANGSTROM  
CLERK OF COURT

**RECEIVED**

MAY 15 2018

SC Court of Appeals

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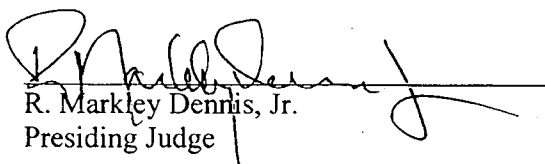
This matter is before the Court on the joint motion of the Plaintiff, Sea Island Food Group, LLC ("Squeeze"), and Defendants East Bay Company Ltd. ("EBCO") and Hilton Smith ("Smith") to vacate the Court's previous Order Granting Motion to Dismiss First Amended Complaint filed July 14, 2015 and to dismiss Squeeze's claims against EBCO and Smith, with prejudice. A hearing was held on October 30, 2017, with the following attorneys appearing: Lindsey W. Cooper, Jr. for Squeeze; Charles J. Baker III for EBCO and Smith; and Robert E. Sumner IV and E. Brandon Gaskins for Yaschik Development Company.

Rule 60(b)(5) of the South Carolina Rules of Civil Procedure allows the Court to grant relief from a judgment or order on the grounds that it is no longer equitable for it to have prospective application. Such a motion is addressed to the sound discretion of the trial court.

Now, therefore, it is

**ORDERED** that the Court's previous Order Granting Motion to Dismiss First Amended Complaint filed July 14, 2015, is hereby vacated *nunc pro tunc* and that Squeeze's, EBCO's and Smith's motion to dismiss Squeeze's claims against EBCO and Smith is denied.

**AND IT IS SO ORDERED.**

  
R. Markley Dennis, Jr.  
Presiding Judge

CHARLESTON, SC  
November 6, 2017

*FMJ*

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