

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Greenville Bistro, LLC, a South Carolina
Limited Liability Company, d/b/a Buck's
Racks & Ribs, and Frontage Road Associates,
Inc. a South Carolina Corporation,

Plaintiffs,

v.

Greenville County, a Political Subdivision of
the State of South Carolina, and Will Lewis in
his Official Capacity as Sheriff of Greenville
County,

Defendants.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Case No: 2017-CP-23-03372

**ORDER GRANTING DEFENDANTS'
MOTION TO ALTER OR AMEND IN
PART, AND DENYING IN PART**

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SC Court of Appeals

This matter comes before the Court upon Defendants' Motion to Alter or Amend the Order Denying Defendants' Motion for Temporary Injunction and Request for Oral Argument. After reviewing the Defendants' Motion, the Court finds that oral argument is not necessary for a final determination of this Motion.

Initially, the Court finds that the Court's May 17, 2018 Order, denying the Defendants' Motion for Temporary Injunction, should be amended to reflect the adoption of Ordinance 4869 as it relates to the issuance of the Plaintiffs certificate of use and occupancy. In the May 17, 2018 Order, the Court found that Ordinance 4869 "was adopted only a few days after the Plaintiffs began operating the subject establishment." (Order at 4, ¶ 16.) However, after reviewing the filings, Ordinance 4869 was adopted a month before the plaintiffs obtained their certificate of use and occupancy until more than a month later. Specifically, Ordinance 4869 was adopted February 21, 2017, and the Plaintiffs certificate of use and occupancy was issued on March 27,

2017. Therefore, the Defendants' Motion to Amend is granted; specifically, Paragraph 16 of the Order is amended to say: "...and Ordinance 4869, which was adopted thirty-four days before the Plaintiffs received their certificate of use and occupancy."

However, the Court finds that this does not affect its previous finding and that there is no basis for further amendments to the May 17 Order. There does not appear to be any additional evidence or grounds to support an amendment to the Order previously filed in this matter. Therefore, the Defendants' Motion to Alter or Amend is granted to the extent it amends paragraph 16; however, the Defendant's Motion is denied with regard to further amendments of the May 17, 2018 Order.

IT IS SO ORDERED.

Perry H. Gravely
Presiding Judge

Greenville, South Carolina

June _____, 2018



Greenville Common Pleas

Case Caption: Greenville Bistro LLC , plaintiff, et al vs. Greenville County ,
defendant, et al
Case Number: 2017CP2303372
Type: Order/Amend

So Ordered

s/ Honorable Perry H. Gravely, #2755