

STATE OF SOUTH CAROLINA )

COUNTY OF GEORGETOWN )

The Gulfstream Café, Inc., )

Plaintiff, )

vs. )

J. Mark Lawhon, Individually, and )  
Palmetto Industrial Development, )  
LLC, )

Defendants. )

IN THE COURT OF COMMON PLEAS )  
FIFTEENTH JUDICIAL CIRCUIT )

CIVIL ACTION NO. 2016-CP-22-00961 )

ORDER GRANTING PLAINTIFF'S )  
MOTION TO ALTER OR AMEND )  
THE JUDGMENT )

**RECEIVED**

DEC 14 2018

**SC Court of Appeals**

This matter is before the Court on Plaintiff The Gulfstream Café, Inc.'s Motion to Alter or Amend the Judgment. On June 12, 2018, the Court entered a Permanent Injunction in the above case. On June 22, 2018, Plaintiff filed the instant Motion to Alter or Amend pursuant to South Carolina Rule of Civil Procedure 59(e). Based upon the filings in this matter, the arguments of counsel, and the entire record at trial, the Court enters the following order.

South Carolina Rule of Civil Procedure 59(e) permits a party to file a motion to alter or amend the judgment. The purpose of Rule 59(e) is to enable a party to request that the Court reconsider matters properly encompassed in a decision on the merits. Arnold v. State, 309 S.C. 157, 420 S.E.2d 834 (1992). As with other motions under Rule 59, a motion to alter or amend is addressed to the sound discretion of the trial court. See Brinkley v. South Carolina Dept. of Corrections, 386 S.C. 182, 185, 687 S.E.2d 54, 56 (Ct. App. 2009)

Having reviewed Plaintiff's Motion to Alter or Amend, Defendants' response, the record in this case, and having considered the arguments of the parties, the Court finds

that the parties are unclear as to the order of the Court entered on June 12. As a result, the Court exercises its discretion to amend the Permanent Injunction. The following, amended Permanent Injunction is hereby entered.

Based on the case law of this state, the facts presented at this trial, and the jury's verdict, a permanent restraining order is issued with the following terms. The Defendants are enjoined from preventing the Plaintiff from enjoying the right granted to it in the recorded nonexclusive joint easement. The Defendants are restrained and may not expand the outside boundaries of any new building beyond those previously used. The outside boundaries specifically are the outside boundaries of the old building, which was depicted on the 1985 Plat recorded at Plat Book 6, Page 214 of the Georgetown County real property records and was demolished by Defendants in November 2016. The outside boundaries do not include any outbuildings, fixtures, concrete pads, dumpsters, or other accessories. As a result, any new building must be located on the same footprint as the old building. The Court is specifically not talking about height, only the outside boundaries.

SO ORDERED this \_\_\_ day of July, 2018.

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Steven H. John  
Resident Circuit Judge  
Fifteenth Judicial Circuit

At Chambers, SC



Georgetown Common Pleas

**Case Caption:** Gulfstream Cafe Inc VS J Mark Lawhon , defendant, et al

**Case Number:** 2016CP2200961

**Type:** Order/Amend

So Ordered

s/ Steven H. John, Resident Circuit Judge, #129