

Bre Mariner Milestone Plaza LLC
PLAINTIFF(S)

Asian Cafe LLC et al
DEFENDANT(S)

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.
- 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

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:

See Ruling below.

RECEIVED
Oct 21 2020
SC Court of Appeals

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 08/23/2020 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: 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 judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

This matter came before the Court pursuant to Defendants' Motion to Set Aside the Default Judgment entered October 29, 2019. This Court reviewed all submissions and heard argument via conference call. The Court initially took this matter under advisement for 60 days so that the parties could discuss a mutually agreeable business resolution to the dispute. The parties have been unable to do so and have asked that the Court enter a ruling.

The Court generally prefers a resolution on the merits. However, the Court must conduct an analysis to determine whether vacating a properly entered order is appropriate. In this instance, the Defendants have not offered a justiciable or likely defense to the Plaintiff's allegations. The Defendant further has not offered any compelling reason for failing to answer the Complaint. Additionally, there is no contention that service was not complete or not proper. The Court can only conclude that further litigation in this matter would be contrary to established rules, law, and judicial economy.

Therefore, the Defendants' Motion to Vacate the Default Judgment is respectfully denied.



Greenville Common Pleas

Case Caption: Bre Mariner Milestone Plaza LLC vs. Asian Cafe LLC , defendant,
et al
Case Number: 2019CP2305083
Type: Order/Electronic Form 4

So Ordered

s/ Robin B. Stilwell 2158