

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Perrin Babb, Debbie Babb, Wayne)
Elstron, Sarah Elstrom, Alan Jackson,)
and Kathy Jackson,)
)
Plaintiffs,)
)
vs.)
)
Lee County Landfill SC, LLC,)
)
Defendant.)
_____)

C/A No.: 3:10-cv-01724-JFA

ORDER

JUDGE JOSEPH F. ANDERSON, JR.

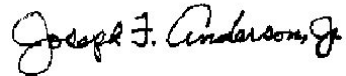
This matter comes before the court on Defendant Lee County Landfill SC, LLC’s Motion to Preserve Court’s April 6, 2012 Order Staying Injunction Phase of Trial Pending Determination of Post-Trial Motions. (ECF No. 282). Defendant urges this court that preservation of the April 6, 2012 order is vital and necessary to ensure the propriety of the injunction phase of the trial and to conserve valuable judicial and litigant resources. The Plaintiffs oppose Defendant’s motion and ask that the injunction phase of the trial go forward. After reviewing the parties’ briefs and the applicable law, this court grants Defendant’s motion.

In its Motion for Judgment as a Matter of Law (ECF No. 231), Defendant has asked this court to set aside the punitive and compensatory verdicts as a matter of law, or, in the alternative to order a new trial or remittitur. The court finds it inappropriate in light of the Fourth Circuit’s decision in *US ex rel. Drakeford v. Tuomey Healthcare Sys., Inc.*, 2012 WL 1059849 (Mar. 30, 2012), to decide the injunction phase of this case when

the court has yet to make a decision on the requests presented by the Defendant in its Motion for Judgment as a Matter of Law. Accordingly, the court grants Defendant's motion to preserve the stay and hereby stays this case until the motion for judgment as a matter of law is resolved.

IT IS SO ORDERED.

November 15, 2012
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge