

IN THE CHANCERY COURT OF WARREN COUNTY, MISSISSIPPI

CITY OF VICKSBURG, MISSISSIPPI

PLAINTIFF

VS.

NO: 2023-142 GN

JEAN-JACQUES PARMEGIANI,
KARA PARMEGIANI, REFINED SOUTH RESTAURANT
GROUP, LLC, SANDEEP SETHI, SCOTT SLEDGE,
BELLAMARE DEVELOPMENT, LLC, AND
JOHN DOES 1 -3.

DEFENDANTS

MOTION FOR RECONSIDERATION

COMES NOW, the Plaintiff City of Vicksburg, Mississippi (hereinafter “City”) and respectfully moves for reconsideration of this Court’s Order on Motion to Dissolve Preliminary Injunction (Document No. 41) dated November 9, 2023 and in support thereof would show as follows, to-wit:

1. Rule 60 (b) (2) is the proper avenue by which a party can be relieved from a final judgment or order due to a mistake or according to Rule 60(b)(6) for any other reason justifying relief from the judgment.
2. Reconsideration of the Order on the Motion to Dissolve the Preliminary Injunction is appropriate because this Court may have overlooked material information in concluding that “...the TRO provided the City of Vicksburg with no incentive to seek setting a final hearing on the merits, but rendering the preliminary injunction as a permanent one.” On September 21, 2023, Plaintiff by and through counsel requested final hearing dates for this matter to be set, see emails to Court Administrator attached as Exhibit A. Counsel for the Defendant responded that “[T]he final hearing can take place after that hearing once we’ve had a chance to review discovery and potentially take depositions. For now, we would like a hearing date on Jacques Motion to Dissolve only.”

3. Any delays in setting this matter for a final hearing should not be attributed to the Plaintiff as the Plaintiff requested twice for a final hearing date to be set. The Defendants delayed this matter by engaging in discovery which the Plaintiff timely responded to and provided all requested information.
4. That the Plaintiff should not be penalized when the Defendants were dilatory in securing a final hearing date for this matter to be presented in its entirety to the Court.
5. That the Motion to Dissolve should not have been granted when Plaintiff attempted to have this matter set for a final hearing.

WHEREFORE, PREMISES CONSIDERED, the City prays that the following relief be granted:

1. That the Court will reconsider its ruling and deny the Order to dissolve and set this matter for a final hearing; or alternatively;
2. That the Court will reconsider its ruling to correct the error that the City had no incentive to see setting a final hearing on the merits. The City did attempt to set this matter for a final hearing as evidenced by the attached emails to the Court's Administrator and should not be prohibited from presenting this case in its entirety because the Defendants did not agree with the final setting of this matter.

And City prays for such other, further and more general relief as in the premises they may be entitled to receive.

Respectfully submitted this, the 9th day of November, 2023.

CITY OF VICKSBURG, MISSISSIPPI

BY: /s/ Kimberly Nailor
KIMBERLY NAILOR

OF COUNSEL

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CERTIFICATE OF SERVICE

I, Kimberly Nailor, one of the counsel of record for Plaintiff, the City of Vicksburg, Mississippi, a Municipal Corporation, do hereby certify that I have this date caused to be delivered, **via EMAIL**, a true and correct copy of the above and foregoing to the Attorneys of Record for the Defendants that being Joseph G. Baladi, Esq. at jbaladi@watkinseager.com and Gabrielle C. Wells, Esq. at gwells@watkinseager.com.

THIS the 9th day of November, 2023.

Kimberly Nailor
KIMBERLY NAILOR
MONICA D. ALLEN