

IN THE CHANCERY COURT OF WARREN COUNTY, MISSISSIPPI

CITY OF VICKSBURG, MISSISSIPPI

PLAINTIFF

V.

CAUSE NUMBER: 2023-142GN

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

DEFENDANTS

ORDER ON MOTION TO DISSOLVE PRELIMINARY INJUNCTION

THIS CAUSE came on a *Motion to Dissolve Preliminary Injunction* filed by Defendants Jean-Jacques Parmegiani (“Jean-Jacques”), Kara Parmegiani (“Kara”), Refined South Restaurant Group, LLC, (“Refined”), Sandeep Sethi (“Sandeep”), Scott Sledge (“Scott”), Bellamare Development, LLC (“Bellamare”), and John Doe 1-3, by and through counsel, and the Court, having heard said Motion and being further advised in the premises, hereby finds the following:

I. Statement of the Facts

The Defendants own and operate an establishment known as Jacques Bar located at 1320 Levee Street, Vicksburg, Mississippi. On or about July 24, 2023, the City of Vicksburg (“the City of Vicksburg”) filed a *Petition for Ex Parte Temporary Restraining Order, Preliminary and Permanent Injunctive Relief, and to Abate a Public Nuisance*. [MEC #1]. The City of Vicksburg averred that the Defendants “have permitted and encouraged activities that are both illegal and dangerous to occur on the property which create an environment that is harmful to innocent patrons and others while fostering an atmosphere that endangers the health, safety, and welfare of its patrons.” [MEC #1]. Such activities included excessive gunfire, underage drinking, and brawls, one of which left a twenty-year-old underage patron severely injured.

The Court held a hearing on August 4, 2023, and heard extensive testimony on the activities at Jacques Bar after the Defendants were provided sufficient notice. On August 11, 2023, the

FILED
NOV - 9 P-3:10
DONNA F. HARDY
CHANCERY CLERK
WARREN COUNTY MS

Court entered what was titled as a *Temporary Restraining Order* (“TRO”) but functioned as a preliminary injunction. The TRO enjoined the Defendants from “engaging in any activities on the establishment known as Jacques Bar, located at 1320 Levee Street, Vicksburg, Mississippi, and that operations at said establishment be temporarily suspended until a hearing on a preliminary and permanent injunction can be held.” [MEC #25]. On September 1, 2023, the Defendants filed a *Motion to Dissolve Preliminary Injunction*, which the Court heard on October 17, 2023. The Court took the matter under advisement.

II. *Analysis*

The preliminary injunction, which was titled as a Temporary Restraining Order, relied on M.R.C.P. 65(b). The rule states in part:

A temporary restraining order may be granted, without notice to the adverse party or his attorney if (1) it clearly appears from specific facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss or damage will result to the applicant before the adverse party or his attorney can be heard in opposition, and (2) the applicant's attorney certifies to the court in writing the efforts, if any, which have been made to give the notice and reasons supporting his claim that notice should not be required. Every temporary restraining order granted without notice shall be endorsed with the date and hour of issuance; shall be filed forthwith in the clerk's office and entered of record; shall define the injury and state why it is irreparable and why the order was granted without notice; and shall expire by its terms within such time after entry, not to exceed ten days, as the court fixes (except in domestic relations cases, when the ten-day limitation shall not apply), unless within the time so fixed the order for good cause shown is extended for a like period or unless the party against whom the order is directed consents that it may be extended for a longer period. The reasons for the extension shall be stated in the order. M.R.C.P. 65(b).

However, since the injunction exceeded ten days, it no longer functioned as a temporary restraining order, but as a preliminary injunction. “The purpose of the preliminary injunction is to hold and preserve *in statu quo* the subject matter upon which the judgment is to operate. This preserves the court’s power to render meaningful decision after a trial on the merits and to hold it until the court is able to finally ascertain and adjudicate the exact rights of the parties.” The

object of the preliminary prohibitive injunction, Mississippi Chancery Practice § 19:12 (2023 ed.). A preliminary injunction should not take the character of a final judgment and such proof must be clear and beyond a reasonable doubt. Preliminary mandatory injunction, Mississippi Chancery Practice § 19:13 (2023 ed.). See *Thomas v. Mississippi Power & Light Co.*, 170 Miss. 811, 152 So. 269 (1934) and *Pitts v. Carothers*, 152 Miss. 694, 120 So. 830 (1929). Injunctive relief, an extraordinary measure, is available under the circumstances and by law. "But a preliminary mandatory injunction should never issue when the effect would be to end the case without any hearing on the merits." Preliminary mandatory injunction, Mississippi Chancery Practice § 19:13 (2023 ed.). See *Board of Sup'rs of Wilkinson County v. Ash*, 142 Miss. 686, 107 So. 763 (1926).

In this case, the preliminary injunction suspended the operations of Jacques Bar until a final hearing was held. This, in effect, gave the City of Vicksburg everything it requested, a final judgment. Although the intention of the suspension was to allow the parties to set a final hearing on the merits for the court to determine beyond a reasonable doubt as to whether a permanent injunction should be granted, 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. Thus, the dissolution of the preliminary injunction is proper.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the preliminary injunction, titled as a Temporary Restraining Order, issued on August 11, 2023, is hereby dissolved.

SO ORDERED, ADJUDGED, AND DECREED this the 9th day of November, 2023.



CHANCELLOR