

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PL
	)	SIXTEENTH JUDICIAL CIRCUIT
COUNTY OF YORK	)	
CITIZENS ALLIANCE FOR	)	Case No. 2024-CP-46-03532
GOVERNMENT INTEGRITY, INC., a	)	
South Carolina non-profit Corporation,	)	PLAINTIFF CAGI
	)	MEMORADUM OF SUPPORT FOR
v.	)	ISSUANCE OF TEMPORARY AND
	)	PERMANENT INJUNCTIVE RELIEF
	)	AS TO SILFAB AND EXETER
SILFAB SOLAR, INC.; Exeter 7149	)	
Logistics, L.P.; and York County by and	)	
Through its Planning and Development	)	AND
Services and Zoning Administrator, body	)	PETITION FOR WRIT OF MANDAMUS
Politics and political subdivisions of	)	AS TO YORK COUNTY
York County and the State of South Carolina)	)	
Defendants.	)	
	)	

TO: BRANDON E. GASKINS, ESQ. – ATTORNEYFOR SILFAB SOLAR, INC.
 CHAD N. JOHNSON, ESQ.-ATTORNEY FOR YORK COUNTY
 ROBERT H. JORDAN,ESQ. – ATTORNEYFOR EXETER 7149 LOGISTICS, LP
 AUSTIN T. REED, ESQ. – ATTORNEY FOR YORK COUNTY PLANNING & DEV.
 JONATHAN M. ROBINSON, ESQ. – ATTORNEY FOR YORK COUNTY PLANNING
 MALLORY S. SPARKS, ESQ. – ATTORNEY FOR EXETER 7149 LOGISTICS, LP
 STEVEN D. WEBER, ESQ. – ATTORNEY FOR EXETER 7149 LOGISTICS, LP

Procedurally, Apellants Rule 59(e) motion to reconsider the court’s order of July 21, 2026 is pending before the court August 26. Also pending is the Plaintiff CAGI’s motion in this specific case for relief from judgment and court order to vacate stays entered by the Hon. Martha M. Rivers early on. Plaintiff asks the relief being sought be heard August 26 in the interest of judicial economy, particularly if Appellant’s Rule 59(e) Relief is denied and CAGI’s motion to vacate stay be favorably considered.

Should the court grant Relief under Rule 60(b)(5) motion of CAGI for relief from court-imposed stays, CAGI petitions the court pursuant to Count III of its amended complaint for injunctive relief in the form of court-ordered stay of Silfab Solar, Inc. from being able to operate any *heavy industrial* or *chemical manufacturing* “assembly” process involving hazardous and toxic chemicals in the proximity of schools and homes. This motion does not seek to have the court or any government body shut down Silfab code-compliant business activity, lock its doors, or force Silfab relocation, obviously.

However, the motion does take issue with the status quo and seeks the court *preserve the status quo* pending any forthcoming appeal, and avoid the error of no stay or supersedeas that followed the BZA May 9, 2026 (Order of May 30, 2026). That failure by the county led to two years of litigation to reach a merits hearing on the Appeal, wherein this court affirmed the BZA ruling on July 21, 2026. In the interim, Silfab continued retrofit construction and alterations that became a changed land use that is prohibited by zoning code.

This motion seeks Injunctive Relief Order for the limited purpose of this court commanding Silfab to cease operations not permitted prior to the BZA 5/9/2024 ruling, pending resolution of any appellate litigation, and is urgent given school openings and given Silfab's publicly proclaimed intention to appeal the BZA decision to the South Carolina Court of Appeals. Exhibit-#1. The motion for injunctive relief is requested to equitably preserve status quo of existing Light Industrial ("LI") zoning where the corporation can produce for this court no zoning approval, yet engages in a *changed land use* without legislative zoning approval where it never filed a zoning change nor variance. As noted by this court, the latest order in no way prohibits Silfab from pursuing such administrative remedies, which to date the foreign corporation has failed to do. "Assembly" at minimum, requires a variance from the BZA, and "Chemical Manufacturing" requires a zoning change from council.

In short, the corporation itself has not exhausted administrative remedies where it can still petition the correct body – the legislative council – for variance or change of zoning vs. thumbing its nose at the judicial holdings of the BZA and the Court by continued operation of Chemical Manufacturing at the site masquerading as "assembly". Prior to any appeal, the corporation should be required, like any other corporation, to exhaust administrative remedies vs. clinging to seeking forgiveness sought under veiled threats where the corporation acts like a bully defying the zoning ordinances, and exhibiting nothing short of recalcitrance as to the governing bodies of York County. Silfab has now lost twice, attributable to the foreign corporation and not their capable counsel. They have lost once before the BZA on May 9, 2024; and now pursuant to the July 21, 2026 Order of the Circuit Court.

Yet, Silfab's public proclamations to the media, citizens, and council make it patent that despite this court's Order the foreign corporation clings to the erroneous legal conclusion that the BZA and Circuit Court decisions **do not** apply to Silfab's current operations and that Silfab owns some form of **vested** property right by way of permits, or otherwise. The council needs to

understand clearly this is not the case, and this court affirmatively ruled as such in finding Silfab is a **tenant**.

INTRODUCTION

Silfab Solar, Inc. opened in the fall of 2025, not in year 2024. Silfab's plant and now-changed land use at 7149 Logistics Lane in Fort Mill is for solar photovoltaic cell and solar panel manufacturing via chemical process. It's location is off U.S. Highway 21 in Fort Mill near Carowinds and in proximity to two (2) schools and close to hundreds of residential homes. Silfab is a foreign corporation whose proposed land use drew outrage from the community that became amplified after two (2) chemical spills in March, 2026. The citizens have always sought intervention and to be heard in the courts saying the plant's chemical manufacturing and change of land use without zoning approval is too dangerous for the area, and that the county's zoning forbids a heavy industrial chemical manufacturing upon a district zoned Light Industrial near homes and schools. Silfab's site is zoned Light Industrial ("LI"), in fact. On May 9, 2024 the board of zoning appeals ("BZA") issued a five to zero decision rejecting Silfab's interpretation and that of the Zoning Administrator. The BZA reversed unanimously on May 9, 2024. The BZA's order did not become published until May 30, 2024. Silfab appealed to the circuit court and sought mediation. Mediation was ordered by the court. Mediation met with impasse. Only a party with interest could petition for mediation relief.

A merits hearing occurred before the Hon. William A. McKinnon and the court's order of July 21, 2026 affirmed the BZA. During the two years it took the Silfab appeal to reach trial, the Silfab plant continued construction and began operations, even before it had temporary occupancy permits; and the county did nothing to exercise its police power to protect citizens in the form of balancing the equities or protecting public health and safety. During the whistleblower incident, the Fire Marshall and the County temporarily shut down Silfab, albeit the stop work orders are

lifted days later. Nevertheless, the action confirms the county government **has** the authority to act and recognizes its inherent police power to properly act to protect citizens' health and safety. The plant has remained open despite public and political controversy over its location and zoning classification, however.

Silfab has falsely represented to county government that it is doing everything it can to operate safely in the wake of two (2) chemical spill incidents in March, 2026 involving hazardous and toxic chemicals including hydrofluoric acid (HF) and potassium hydroxide (KOH). Its reckless conduct already resulted in the Flint Hill Elementary School evacuation and closure of the schools for two days. The corporation was granted operations under permanent certificate of occupancy by York County February 13, 2026. Shortly thereafter, the corporation had two chemical incidents within proximity to the schools and homes within the same week of March 23, 2026. Some Fort Mill individual residents have filed suit pushing for Silfab's permits to be revoked. CAGI here files for injunctive relief after the latest July 21, 2026 ruling and order of the circuit court. Silfab was shut down a first time by SCDES on March 5, 2026. *See*, [Exhibit-3, p. 3 (9)-(13)] Regulated chemicals were present within the plant as early as March, 2026 if not earlier, and SCDES issued a cease and desist order. This was the *second* Silfab shut down, following the July, 2025 Whistleblower incident wherein the company was in operation occupancy with not temporary certificate of occupancy (TCO).

Noteworthy is the Lawmakers for Fort Mill and the Fort Mill School District (FMSD) have written to county council requesting it revoke permits and take action against Silfab. **Exhibit-#2.** Silfab continues to maintain that neither the BZA ruling or the circuit court's recent order applied to Silfab's current operations that the appeal by Silfab and the court's order of July 21, 2026 does not affect its Fort Mill plant, because the plant was "well underway" (*sic) before the BZA

decision, also a patent falsehood and arrogant misrepresentation. On the same date Judge McKinnon's Order is published, Silfab declared it would appeal. Its latest motion for reconsideration filed by Silfab's attorney is now scheduled for August 26. Silfab has already said it will appeal if McKinnon does not reconsider.

The issue is, this time (unlike procedure following the BZA hearing) there should be sanction or injunctive relief in the form of stay or supersedeas if years of litigation are to continue. Why there was no such Supersedeas after the BZA decision is unknown, but it permitted Silfab continued operations to *transform* the land use without zoning approval during the pendency of the appeal litigation involving the BZA decision.

However, the court's decision did more than issue a correct ruling at law on July 21, 2026. It restored hope and resolve of the citizens the company has long sought to diminish by public statements and interference with the people's elected representatives on county council. It shook the very ground and foundation of Silfab, as evidenced by Canadian resident and Silfab CEO *Paolo Maccario* issuing a letter to York County council members, the office of the governor, and state representatives. **Exhibit-#1**. The letter to council and state government is timed and in response to the pleas by state representatives for the Fort Mill district, and pleas of the Fort Mill School District, [**Exhibit-#2**] and counsel for Walter Buchanan, a citizen who earlier intervened in the Silfab appeal of the BZA.

CAGI, a nonprofit organization comprised of citizens of the "Move Silfab.Com" movement, now seeks the court vacate Orders by the Hon. Martha M. Rivers which stayed the CAGI case on the grounds of changed circumstances surrounding Silfab's *change of land use* at its site. The company continues to operate a solar panel and solar cell manufacturing land use in proximity to the schools and homes, and circumstances changed when it haphazardly had two (2)

chemical spills in one week beside schools and homes. Moreover, the Canadian corporation's public proclamations evidence it has no intent and zero respect by which it will obey the law of the BZA, this circuit court, or the council it so desperately seeks to intimidate by threats involving "property rights". Again, Silfab is a renter. It is not an owner but the corporation is apparently confused in this regard.

LEGAL STANDARD

Rule 65 SCRPC governs Injunctions, Mandamus, Habeas Corpus, and other remedial writs. No temporary order shall be granted without notice of the motion for the order to give the adverse party, unless it clearly appears from specific facts shown by affidavit or verified complaint that immediate and irreparable injury, loss or damage will result to the applicant per Rule 65(b) restraining orders. As to injunctive relief involving restriction of a business per Rule 65(e), a Temporary Restraining Order (TRO) cannot generally be granted to suspend the *general and ordinary* business of any person or corporation; ordinary business may only be stopped via injunction after proper notice and a hearing. Plaintiff here seeks the same relief that Fort Mill School District, Senator Michael Johnson, and House Representative David Martin have pleaded for with the county council and the courts. [Exhibit-#2, p. 2-10]

APPLICATION

As an initial matter, CAGI would point out that "assembly" or manufacturing involving chemical process is not the *general and ordinary business* carried on by Silfab before the May 9, 2024 BZA 5-0 ruling and 5/30/2024 order, which ruled "unlisted uses are prohibited". Nor can the corporation produce any permits prior to the May 9, 2024 BZA hearing, other than "office and distribution" Nor can it back up that its operations were "*well under way*" before the BZA hearing. To the contrary, these factors are materially false as represented to the citizens' elected representatives on council, and designed to instill hesitation and delay by threat. Exhibit-#1. Silfab occupied the warehouse before it was transformed to chemical plant for years under the permitted

zoning Light Industrial use of distribution warehousing and office. It can still do so, and thus it suffers no harm if confined to permitted use under the zoning code. Conversely, the citizens continue to face environmental hazards, nuisance, anxiety, and threats to the citizens' health, safety and welfare which the corporation has been entirely indifferent about in pursuit of getting it's way.

However, here, the specific relief being sought as to Silfab is that this court issue injunctive relief to prohibit the foreign corporation from further violating the BZA ruling and this court's order by "assembling", or further twist the zoning code by chemical manufacturing and heavy industrial process on the site, even if it is described as "assembly". That is it, and that is all. There should be no chemical manufacturing and the inequitable conduct and misrepresentations of the company mandate transparency. The site is Light Industrial, not Heavy Industrial. Operating a changed land use that occurred under the radar after the BZA May 9, 2024 decision where the corporation never obtained zoning approval, should be stopped dead in its tracks as to chemical and heavy industrial manufacturing land use, particularly given that schools are now in session for the 2026-2027 year. Temporary injunctive relief should issue immediately for ten (10) days so the county or its council can investigate properly, not attend a dog and pony show scheduled by the corporation at a convenient time after it has "idled" operations.

1. The Specific Relief Being Sought by Citizens Alliance for Government Integrity as to Silfab Solar, Inc. and Exeter 7149 Logistics:

CAGI respectfully avers temporary injunctive and permanent relief is proper, as CAGI does not state the citizens group seeks total cessation of Silfab operations that were lawfully permitted prior to the BZA ruling. Rather, plaintiff seeks to restrain and enjoin Silfab operation of a *heavy industrial* and *chemical manufacturing* operation which is a land use that formerly did **not** exist at 7149 Logistics Lane and therefore is **not vested**. The applicable law is that "[a] landowner acquires a vested right to continue a nonconforming use already in existence at the time his

property is zoned – in the absence of a showing that the continuance of the use would constitute a detriment to the public health, safety or welfare.” *DeStafano v. City of Charleston*, 304 S.C. 25, 403 S.E.2d 648 (1991). The foreign corporation now operates a chemical operation *masquerading* as “assembly” in proximity to homes and schools. The corporation did not first seek variance or a change of zoning.

The county governments must, in following the court’s recent order, set the example. It should not permit daily breaking of the law or ignoring of the zoning, or the BZA ruling. Every day the operation continues as-is, a separate and distinct misdemeanor violation of the law occurs. S.C. Code Ann. §6-29-950(A). CAGI is seeking court imposition of temporary restraining order with reservation of the right to move for permanent injunctive relief should the council not have the resolve, such that the operation of Silfab and chemicals it now stores on site can be evaluated by council or experts after August 26th hearings. Further, CAGI asks this court to compel Silfab to comply with the administrative procedures act and exhaust all administrative remedies in the form of variance request or change of zoning request, or otherwise be shut down under discretion and authority of the council under Writ of Mandamus issued by this court.

ARGUMENT

Should this court deny Appellants’ Rule 59(e) motion for Relief, Plaintiff CAGI here respectfully avers temporary and injunctive relief is warranted due to this court’s Order of July 21, 2026, and the corporation’s subsequent inequitable conduct and grotesque factual misrepresentations by the Canadian corporation to county and state officials. Exhibit-#1. Most glaring of these is what Silfab now claims as a “*Typo*”. Silfab directly threatens York County Council with “*unnecessary* (*sic) litigation regarding a *taking* (*sic) of our property rights....”. Exhibit-A, p. 2 at ¶(5) lines 2-3. This letter, obviously written without the benefit of counsel review,

is a threat by *Paolo Maccario*, President and CEO of the foreign corporation's headquarters in Canada. Nonetheless, the letter exhibits the corporation's open *defiance*, continued mischaracterization of the law and facts, and sheer *recalcitrance* to the circuit court and the BZA where both have ruled against Silfab. Silfab publicly proclaims the court's decision has **no effect on our current operations**. Exhibit-#1. Noteworthy for this court is this is the very same conduct that got Silfab in trouble before the BZA by letter and made it an interested party, is exhibited by the letter to council and state government.

After the BZA, Silfab appealed asking for mediation. The court then ordered mediation. All elements of the court's July 21, 2026 order are correct and show the BZA decision **applied to Silfab**. The corporation simply will not hear the court, and continues to be petulant. Exhibit-#1. Because the corporation has misrepresented to all government departments its International Organization for Standardization (ISO) certification, it should be estopped from operating a chemical manufacturing operation and heavy industrial use until it demonstrates it did not misrepresent this to zoning and has proper certification. Even more alarming, is Silfab has no ISO certification at its Fort Mill facility whatsoever, only its Washington and Canadian plants. Moreover, because the corporation can still (but will not) exhaust administrative remedies, Estoppel should apply to its operations under changed land use that Silfab deliberately created but never got zoning approval for. The FILOT agreement and the FILOT ordinance did not change zoning, as correctly found by this court's July 21, 2026 Order.

I. ESTOPPEL.

If this foreign corporation has falsely represented that the land and site is "our property", and moreover if the company has misrepresented its qualifications under ISO 9001-
2025 Quality Management System Standards for its operations, a temporary restraining order

should issue against the corporation in order that it provide its most current certification to council and the county. The reason is simple, **there is no such thing as a ISO 9001:025 standard**. There have been two chemical spills in proximity to schools and homes. To date, public record records twenty (20) ambulances have visited Silfab on calls of employees' vomiting of blood, breathing difficulties, or heat exhaustion.

A). Judicial Estoppel.

Judicial Estoppel is an equitable doctrine that prevents a litigant from asserting a factual position that is inconsistent with a position the litigant previously asserted in the same or related proceeding. The purpose of Judicial Estoppel is to **protect the integrity of the judicial process**, not merely to protect an opposing party from dishonest conduct. South Carolina limits the doctrine to inconsistent factual positions, rather than inconsistent legal theories. *Cochran v. Brown*, 357 S.C. 210, 592 S.E.2d 629 (2004). Because judicial estoppel is equitable, South Carolina Courts apply it sparingly and case by case, without allowing it to interfere improperly with the courts truth seeking function. Mere inconsistency, mistake, or a change in legal theory ordinarily is insufficient. Id. see, also *Hawkins v. Bruno Yacht Sales, Inc.*, 353 S.C. 31, 577 S.E.2d 202 (2003). Under Cochran, judicial estoppel requires:

1. Two inconsistent positions taken by the same party, or parties in privity.
2. The positions were taken in the same or related proceedings involving the same parties, or parties in privity.
3. The party successfully maintained the earlier position and received some benefit.
4. The inconsistency was part of an intentional effort to mislead the court;
5. The positions are totally inconsistent – the truth of one necessarily precludes the truth of the other.

Here, Silfab was deemed an interested party who took part in the BZA May 9, 2026 hearing and it subsequently appealed for mediation, then appeared at trial on the merits hearing. It is inconsistent and illogical the corporation represents the court's decision did not apply to Silfab,

long argued by the foreign corporation. The inconsistent positions are taken at and after the BZA, but not before the circuit court. The proclamations originate with the same party, Silfab Solar, Inc. Because Silfab successfully maintained allegations on the earlier position that the BZA ruling did not apply to Silfab, it received the unintended benefit of two years of litigation leading into the merits hearing. During the two years – when an administrative remedy was (and still is) available to Silfab, the company engaged in a change of the land use at 7149 Logistics Lane and acted inequitably in doing so, failing to obey the BZA. The inconsistency was part of a deliberate and intentional effort to ignore the law and rush to operations, and now mislead this court, *twice*.

The first instance was in falsely claiming zoning approval by virtue verification letters that on their face stated they were not permits. The second was arguing before this court that Walter Buchanan lacked standing to appeal administrative letter determinations, when in fact he did pursuant to S.C. Code Ann. 6-29-850(A) as a neighboring owner in proximity to the plant. Even this court's Order sua sponte acknowledges that Appellants sought to invoke appeal and mediation provisions of S.C. Code Ann. 6-29-825, a procedure that is available only after a binding BZA decision affecting property rights. (Order, 6/21/2026 at p. 16 ¶(3) where the court declined to permit Silfab to contend that no appealable decision existed affecting property rights, particularly the home of Intervenor Walter Buchanan. Ultimately, under (5) listed above, the truth of one position necessarily precludes the truth of the other decision where the position is totally inconsistent. Either Silfab has zoning approval or it does not. Either the foreign corporation is feigning “assembly” while operating a chemical manufacturing heavy industrial operation that is an unlisted use by code, or it is not. If it is a changed land use, prohibited by zoning code at Light Industrial District, then seeking to continue these operations unabated

precludes the truth this court finding its operations not only affect Buchanan's home, but has a "direct and material effect on Mr. Buchanan's neighborhood, and the record contains substantial evidence of the off-site impacts of the use, including the projected emission of toxic air pollutants and the construction of ... acid scrubber stack. As to inconsistent positions, it begs the question why does an operation upon a Light Industrial parcel need exhaust towers, acid scrubbers, or wastewater treatment infrastructure to operate a use that can only involve warehousing and distribution as zoned. The answer is simple – Silfab continues to conflate "assembly" as not Heavy Industrial, but its "product" can only become assembled by first being chemically manufactured.

II. TEMPORARY AND PERMANENT INJUNCTIVE RELIEF REQUESTED.

CAGI seeks immediate temporary and permanent injunctive relief, and can meet the elements required for such relief as follows under Rule 65:

a. Imminent and Immediate Threat of Harm.

Two (2) chemical spills in proximity to homes and schools is evidence enough, and Flint Hill Elementary and Flint Hill Middle School have opened for attendance for the 2026-2027 school year. Silfab has created a menace and a nuisance in proximity to schools and homes. The company's operations recklessly ignore the zoning, orders of the BZA, ruling of this court, and threaten council should council seek sanction against the corporation for revoking permits, restricting Silfab operations, or ordering other appropriate relief to protect the health, safety and welfare of the citizenry. This is the paramount concern. (Case). Lastly, the foreign corporation breaks the law in misdemeanor form daily per S.C. Code Ann. §6-29-950(A). Each day after the BZA May 9, 2026 ruling is a separate infraction, which the courts and government should not permit to continue. Silfab does not set any form of example. To the contrary, it sets the example of

misrepresentations, threats, and defiance of the law. Here, continued operation of a chemical manufacturing process and heavy industrial use in proximity to schools and homes is imminent and immediate threat, as proven by two prior chemical incidents.

b. Likelihood of success on the merits.

Plaintiff can show likelihood of success on the merits where the corporation has no zoning approval and has engaged in *changing* the land use to a chemical operation in proximity to schools and homes. Plaintiff can absolutely and successfully establish the site is zoned Light Industrial (“LI”), not Heavy Industrial (“ID”). Plaintiffs can establish that Silfab for months has engaged in chemical manufacturing. See, definition §155.1301 definitions Subchapter J, Part I within the zoning ordinances for York County.

Because the site was formerly warehousing and distribution, the community through CAGI can demonstrate Silfab nor Exeter have a **vested** use, irrespective of permits they claim as valid. Public record confirms the company held absolutely no permits other than “office and distribution” as of the BZA hearing and decision of May 9, 2024. Moreover, permits for construction and engaging in a changed land use do not exist prior to the May 30, 2024 Board of Zoning Appeals (BZA) 5-0 decision and order to reverse the zoning administrator and Silfab’s land use. Interpretations that are prohibited if not listed in the zoning code. As defined in the code, the corporation transforms by chemical process involving toxic and hazardous chemicals silicon wafers; the silicon wafers are the “inorganic raw materials”. The “chemical process” is the engaging of chemicals for cleaning, etching and coating these wafers, then smelting occurs via heating process in machines at exorbitantly high temperatures, which get set into modules using more chemicals to complete the product. The “product” formulated through this chemical process is solar cells and solar panels.

Applying this definition correctly, as the BZA and the circuit court has now done, this is not “Assembly”. There can be no assembly without the chemical manufacturing, yet the company will continue in non-vested and chemical manufacturing with no zoning approval at its site under the guise of “assembly”, unless the court enters injunctive relief in favor of the citizens. If “assembly” can be demonstrated as Light Industrial (“LI”), which is dubious, doing it be variance before county zoning and the BZA is the proper administrative remedy that the corporation will not pursue.

c. No adequate remedy at law.

In this situation there is and cannot be any adequate remedy at law to guard against what has now occurred under the radar without county council zoning approval. A chemical manufacturing plant now exists and is in operation at Silfab’s site 7149 Logistics Lane in Fort Mill. Silfab purposefully rushed to *transform* what was once a large distribution warehouse to what is now a chemical manufacturing heavy industrial operation. “CHEMICAL MANUFACTURING” is defined by §155.1301, subchapter J at Part I as “A land use category for industrial establishments engaged in the transformation of organic or inorganic raw materials by a chemical process.

As set forth above, the “inorganic raw materials” are silicon wafers. The chemical process involved is the use of hazardous and toxic chemicals like hydrofluoric acid (HF) in the cleaning, etching, smelt, and coating of the silicon wafers. The resulting products are solar photovoltaic cells and solar panels. For too long Silfab has tried to confuse the government and public by referencing to product types. This product type is unlike computers and electronics generally. In order for the production to come to fruition, chemical application and high intensity heat smelting must occur, but anything can be “assembled”. This is documented by the Environmental Protection Agency

inspection following the (2) chemical spills, EPA March 9, 2026 inspection report, p. (2) of (6) describes the chemical manufacturing process. Exhibit-#4.

PETITION FOR WRITS AS TO YORK COUNTY

III. PETITION FOR WRIT OF MANDAMUS AS TO YORK COUNTY.

York County Council called a special meeting over the Silfab debacle on Thursday July 30, 2026, most of the special meeting held in executive session. The emergency meeting occurs just days before schools reopened. Chair Christi Cox for council advised by pubic statement that no action would be taken that night, pending the circuit court review of Silfab's Motion to Reconsider. Council also publicly declared that there would be no manufacturing by Silfab using regulated chemicals through August 26, the date the court would hear and decides Silfab's motion to reconsider.

Noteworthy for this court is that a day before, *Paolo Maccario* (Silfab President and CEO) sends a July 29, 2026 letter. Exhibit-#1. The letter brazenly proclaims the court's July 21, 2026 Order involved a zoning interpretation and did not address the safety, quality, or regulatory compliance of our existing operations, ***nor does it affect ongoing operations at the facility***. What the Canadia CEO fails to realize in the letter he writes in haste (*and obviously without timely guidance of counsel*) evidences chemical operations; The CEO inadvertently shows that Silfab has misled the government and the people as to material facts, and this court should take note.

Silfab's president has inadvertently disclosed material misrepresentation that Silfab meets ISO 9001:2025 Quality Management System Standards, "*a process that reflects our commitment to continually improve our work environment*." As experts quickly point out, **there is no such thing and Silfab has no such certification for its Fort Mill plant whatsoever**. Silfab retracts the statement quickly, replacing the "typo" and citing to ISO 9001:2015 certification. A gross typo,

indeed. But, what is not clarified is that Silfab's Fort Mill facility has no ISO certification whatsoever. This is also a grotesque misrepresentation to local and state government officials. At this time, twenty (20) EMS emergency calls have gone out to the Silfab facility, the latest being 8/13/2026. Twenty (20) EMS visits seems to be more than coincidence or bad luck.

The company immediately "Idles" operations at the site after the councils executive session. After "idling" the company puts on a dog and pony show to council members visiting the Silfab facility on an advanced appointed date and time, August 13, 2026. A visit occurs, and *of course there is no chemical manufacturing in progress that day*. Imagine that. Council regretfully does not stick around long enough to witness the EMS (emergency medical services) ambulance visit to extract from the Silfab warehouse an employee experiencing chest pain, difficulty breathing. It cannot be emphasized more highly that public record records that to date in year 2026 **twenty (20) EMS** visits are called to the Silfab location.

Because the corporation has no zoning approval and has misrepresented its qualifications to the county and the county council as to ISO 9001:2025 Quality Management System Standards which ***do not exist*** at all for Silfab's Flagship facility in Fort Mill, and because it is sent by none other than the company's Canadian CEO, injunctive relief is warranted. Quickly, the ISO statement is *retracted* by Silfab on its website and publicly as an embarrassing "*typo*". It is one behemoth of a typo on Silfab corporate letterhead, however, coming from the foreign corporation's CEO, who still does not divulge that no certification at all exists for the Fort Mill facility.

Either the company has current ISO management standards, or they do not. Silfab now asserts it has ISO 9001: **2015** Quality Management System Standards. The problem for Silfab is whether this is really a "typo" or, rather, a material misrepresentation made while impliedly threatening county council members with "*unnecessary*" (*sic) litigation, copying the office of the

governor Henry McMaster, house representative David Martin, and senator Michael Johnson. The two latter officials, like the Fort Mill School District, have demanded the council take action to shut down Silfab operations. Exhibit-#2. It is the reason a special meeting is called by council on Thursday July 30, 2026. Silfab's letter asserts "property rights" and implies vested use while threatening unnecessary litigation. Exhibit-#1. The county and the county council need this court to affirm the law in South Carolina regarding permits and police power – specifically as set forth in *Whitfield v. Seabrook*, 259 S.C. 66, 73, 190 S.E.2d 743, 746 (1972) "[T]he landowner¹ had no vested right, which could not be taken away in the proper exercise of the protection of health and safety." *Whitfield*, like this case, involved a county council wrestling with permit issues and exercise of the Charleston County Council's police powers. The *Whitfield* court held that, based upon the facts, that the council was **not hampered** by the landowner's receipt of building permit or his investment in the exercise of police power. *Id.* Generally speaking, South Carolina law recognizes that the exercise of police power – to protect the health and safety of the citizenry- *cannot be hampered by a business' reliance upon and receipt of permits*. [T]he police power is, however, usually paramount, provided it has a sound and reasonable basis. *Id.* Here Silfab seeks to rely on permits issued after the May 9, 2024 BZA decision it participated in as interested party and imprudent investments and reconstruction it engaged in disobeying the law.

TEMPORARY RESTRAINING ORDER SOUGHT AGAINST YORK COUNTY

The plaintiff does not, through this motion, request any immediate order directing cessation of all *code-compliant* Silfab operations, nor revocation of Certificate of Occupancy for Silfab. Conversely, CAGI respectfully requests an order temporarily restraining York County, and

¹ This court has noted in its July 21, 2026 Order that Silfab is a **tenant**, not land owner.

advising or guiding its departments, council, officers, employees and agents as follows in taking any action that does not comply with S.C. Code Ann. §6-29-950(A).

1. Certificate of Occupancy: Ordering council prohibited from treating the February 13, 2026 Certificate of Occupancy that issued during the pendency of the BZA appeal litigation to be a final or conclusive legal determination of **vested** property right or that the disputed chemical manufacturing use now happening complies with the zoning code by virtue of said certificate of occupancy.
2. Direct Application to Silfab: Ordering or guiding York County from representing or determining that the May 9, 2024 BZA decision and the July 21, 2026 court order affirming the BZA not lawful and not strictly applicable to Silfab Solar. Both decisions are.
3. Council ability to take affirmative action. CAGI request this court order or guide York County and its council that it has the authority to take any and all lawful actions within its statutory authority under S.C. Code Ann. §6-29-950(A) to revoke permits, issue sanctions, restrictions, cease and desist orders, and investigate the corporation's misrepresentations of its ISO certifications. Exhibit-#1.a
4. No Scope expansion in violation of court order. Ordering or guiding the county that it should not take any action permitting Silfab to materially expand the scope or intensity of the disputed chemical manufacturing land use that now exists at the site near homes and schools while any threatened Silfab appeal under claims of separation of powers argument, or vested right arguments, remain in pending.
5. Protect Zoning Classification. To cease from any activity that would treat planning and zoning governmental actions undertaken to date, during the pendency of the BZA appeal, as having nullified, administratively or otherwise, the zoning classification (Light Industrial) as determination ultimately affirmed by this court July 21, 2026.
6. Ordering or advising York County that it has authority to issue zoning-dependent approvals complying with notice and due process should Silfab petition for variance or change of zoning.

**ALTERNATIVE RELIEF REQUESTED
BY WRIT OF MANDAMUS**

CAGI alternatively seeks a Writ of Mandamus under order of the court compelling the county council to exercise its police powers and statutory authority and take all lawful steps deemed necessary to comply with S.C. Code Ann. §6-29-950(A) to revoke any permits issued after the 5/9/2024 BZA decision; shut down any chemical manufacturing heavy industrial process prohibited by zoning code, and compel Silfab to comply with zoning and administrative remedies. Since when does our local government bow to foreign corporations, asking them whether they will comply with county directives ? The council is authorized to sanction the corporation as may be deemed necessary until it procures proper zoning. CAGI seeks that this court issue an order affirming the county council has the authority to act under 6-29-950(A) so as to eliminate any reluctance or trepidation predicated on politics, threat letters, or public proclamations of the corporation in the media. Exhibit-1.

To reiterate, CAGI is not implying the company operations must entirely seized up, go into full cessation, move, or its occupancy be ended. Provided, the company should be restricted to land use that existed before the BZA 5/9/2024 decision, however. CAGI is insisting the government hold Silfab restrained from *changed land use operations* deemed “assembly” that violates existing zoning code in the Light Industrial district, and order ceasing any operation of *heavy industrial* use proven to be operating in proximity to schools and homes. This balances the equities, as Silfab has long utilized its facility for office, warehousing and distribution before introducing chemicals. Silfab utilized the warehouse it converted previously, and not for chemical manufacturing. The citizens are entitled to this relief in balancing the equities. The court and

governments in York County cannot continue impliedly sanction daily breaking of the zoning laws, even if misdemeanors, pursuant to §6-29-950(A).²

In balancing the equities, the harm to citizens is daily and continued by operations of a nonconforming chemical heavy industrial manufacturing land use in corporate defiance of zoning law, the BZA board, and the circuit court. Where, incidentally, these operations involve chemical process and *changed* land use that is not vested; rather haphazardly put into operation in proximity to schools where inexplicably two (2) chemical spill incidents have occurred in year 2026, and there have been at least twenty (20) EMS calls to the facility some reports involving breathing difficulty and some reporting vomiting of blood by employees. The spills and the number of EMS calls evidence the threat posed by the plant is real, not hypothetical or conjectural.

Only this court can reinforce the law and act immediately. The integrity of the law cannot be perverted as Silfab has done from the start, the integrity of the law must be immediately preserved. From the citizens perspective, enough is enough. Unlike the BZA decision, some form of *stay* or *supersedeas* is required should Silfab desire to challenge this court's order by appeal into the Court of Appeals. The citizens should not be subjected to legislatively unauthorized use and breach of zoning any longer in the interim time involved in an appeals process. The county council should be assured and have the resolve under authority of this court's order enforcing the law of its Order of July 21, 2026 and enabling council to make informed decisions involving exercise of police power - immediately - if the company has no zoning approval, is engaging in de-facto chemical manufacturing by "assembly", and will continue to do so in defiance of the law, judicial boards and the courts.

² Pursuant to this code section, daily misdemeanor infraction of the law should not be permitted to continue, express or implied, by the court or the council. Since the May 9, 2025 BZA ruling, (827) days of \$500 daily violations have occurred

Either the corporation has zoning approval, or it does not. Either its land use is now heavy industrial, or it is not. Either the process involves chemical manufacturing that must be approved by variance request, or it does not. The continued argument of “assembly” now *masquerading* as Light Industrial but chemical land use utilizing ultra high temperature smelting of inorganic wafers by chemical means, fired boilers, exhaust towers, and wastewater treatment discharge is not Light Industrial and it is not a permitted land use, and must be approved by request of zoning change to council. Too long has the corporation feigned compliance with the law to the administrative, legislative and judicial authorities in York county. Too long the citizens have not had their day in court. Two of the three government bodies in York County have now ruled against Silfab.

CAGI prays this court issue Writ of Mandamus so that the council can act accordingly with confidence, not trepidation, in exercise of the council’s inherent police powers that has been confirmed to body by the state attorney general, and the law pronounced by this court’s July 21, 2026 order affirming the BZA. The council, no different than the BZA and this court, must uphold the integrity of the law as applied to the corporation. At no time should our government bodies bow to a foreign corporation, or permit that corporation to tell us how the laws apply to it when it has acted in bad faith. Rather, our government bodies and our law tell the foreign corporation what to do, not vice versa.

IV. EXPRESS RESERVATION

Plaintiff CAGI here preserves, express or implied, any legal or equitable causes of action or grounds for relief in seeking this court preserve the status quo under CAGI request for Temporary Injunction and Writ of Mandamus petition to this court.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I am the attorney for the Plaintiff in the above matter and that I did on August 14, 2026 serve a copy of the forgoing Plaintiff CAGI Motion for Injunctive Relief and Writ of Mandamus and Exhibits 1 – 4 upon counsel for defendants by AIS email delivery as follows:

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