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**Dec 14 2022**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM THE COURT OF COMMON PLEAS  
Spartanburg County

Shannon M. Phillips, Master-in-Equity

Appellate Case No. 2022-001420

Civil Action No. 2021-CP-42-00086

Civil Action No. 2021-CP-42-00504

Gibbs International, Inc..... Respondent,

v.

Vidalia Industrial Facilities, LLC..... Appellant.

AND

Vidalia Industrial Facilities, LLC and Indigo ..... Appellants,  
Industrial Investments, LLC .....

Gibbs, International, Inc.; Gregory Boozer; and  
Jimmy Gibbs..... Respondents.

AND

GBPT, LLC ..... Respondent,

v.

Rumsfeld Indigo, LLC. .... Appellant.

**RESPONDENTS' CONSENT  
MOTION FOR AN EXTENSION OF TIME**


Pursuant to Rules 208(a)(1), 209(a), 240(a) & (b), and 263(b), **SCACR**, Respondents respectfully request a 30-day extension of time in which to file their Initial Brief and

Designation of Matter because of obligations of counsel. This is Respondents' first request for an extension of time for this Brief and Designation of Matter. The requested extension will cause no prejudice to any party, and counsel for Appellants has consented to this request. (See Email attached as Ex. A) Currently, Respondents' Initial Brief and Designation of Matter are due on December 19, 2022. With the 30-day extension, the deadline would be **January 18, 2023**. Respondents respectfully request that the Court hold the current deadline in abeyance pending the Court's consideration of this Motion.

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: \_\_\_\_\_

  
William S. Brown  
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THE TOLLISON LAW FIRM, P.A.

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18-B S. Markley Street  
Greenville, South Carolina 29601  
(864) 451-7038

*Attorneys for Respondents*

December 14, 2022  
Greenville, South Carolina

## Exhibit A

## William Brown

---

**From:** Mitchell, Tyler <Tyler.Mitchell@DINSMORE.COM>  
**Sent:** Tuesday, December 13, 2022 8:23 AM  
**To:** William Brown  
**Cc:** Kelley, Daniel; walt.tollison@thetollisonlawfirm.com;  
lauren.price@thetollisonlawfirm.com  
**Subject:** RE: GBPT v. Rumsfeld Indigo; App. Case No. 2022-001420

**Categories:** Filed to ND  
**FilingIndicator:** -1

William:

I understand the external commitments, particularly this time of year. Appellants consent to your 30 day extension request.

Regards,  
Tyler



### Tyler J. Mitchell

Attorney

*Licensed in Indiana, North Carolina  
South Carolina, and the District of Columbia*

Dinsmore & Shohl LLP • Legal Counsel

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**From:** William Brown <william.brown@nelsonmullins.com>  
**Sent:** Tuesday, December 13, 2022 8:20 AM  
**To:** Mitchell, Tyler <Tyler.Mitchell@DINSMORE.COM>  
**Cc:** Kelley, Daniel <Daniel.Kelley@DINSMORE.COM>; walt.tollison@thetollisonlawfirm.com;  
lauren.price@thetollisonlawfirm.com  
**Subject:** [EXTERNAL] GBPT v. Rumsfeld Indigo; App. Case No. 2022-001420

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Tyler,

Because of obligations that I have had over the last couple of weeks and will continue to have this week in other matters, I am planning to seek a 30 day extension of the deadlines to file the initial brief and associated documents on behalf of the Respondents in the appeal. Please let me know if you will consent to this extension.

William



---

WILLIAM S. BROWN **PARTNER**

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AND

GBPT, LLC ..... Respondent,

v.

Rumsfeld Indigo, LLC .....Appellant.

**PROOF OF SERVICE**

Pursuant to Rule 262(c)(3), SCACR, and the Supreme Court's Order dated May 6, 2022, undersigned counsel hereby certifies I have served a copy of Respondents' First Consent Motion for an Extension of Time on counsel of record by electronic mail (see attached sent email):

**Counsel Served:**

Daniel R. Kelley  
*Daniel.Kelley@Dinsmore.com*  
Tyler J. Mitchell  
*Tyler.Mitchell@Dinsmore.com*  
211 North Pennsylvania Street  
One Indiana Square, Suite 1800  
Indianapolis, IN 46204

*Counsel for Appellants*

By:   
William S. Brown

*Counsel for Respondents*

December 14, 2022  
Greenville, South Carolina



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December 14, 2022

RECEIVED

Dec 14 2022

SC Court of Appeals

**Via electronic mail and hand delivery**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
The South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

RE: *Gibbs International, Inc. / Vidalia Industrial Facilities, LLC / GBPT, LLC*  
Appellate Case No. 2022-001420  
Civil Action No. 2021-CP-42-00086 / 00504  
Our File No. 014125.01504

Dear Ms. Kitchings:

Please find enclosed for filing in the above-referenced matter Respondents' Gibbs International, Inc.'s and GBPT, LLC's Consent Motion for Extension regarding Initial Brief and Designation of Matter. Also enclosed is a Proof of Service of the same. We ask that you file the Motion and, if possible, return an electronic version to us bearing the Court's file stamp.

By copy of this letter, we are serving Appellant's counsel, who have consented to the requested extension. In addition to the electronic filing of this letter request, our courier will be delivering a hard copy of the letter to the Court accompanied by a Firm check in the amount of \$50 as the filing fee. Please do not hesitate to contact us with any questions.

Very truly yours,

William S. Brown  
*Counsel for Respondents*

WSB:fss

CC: (by electronic mail)  
Miles E. Coleman, Esq.  
Daniel Kelley, Esq.  
Tyler J. Mitchell, Esq.