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**Jan 23 2023**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM SPARTANBURG COUNTY  
Court of Common Pleas

Shannon M. Phillips, Master-in-Equity

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Spartanburg County Case Nos. 2021-CP-42-00086 and 2021-CP-42-00504

Consolidated Appellate Case No. 2022-001420

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Gibbs International, Inc. .... Respondent,

vs.

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

AND

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

vs.

Gibbs International, Inc., Gregory R. Boozer, and  
Jimmy I. Gibbs, ..... Respondents.

AND

GBPT, LLC ..... Respondent,

vs.

Rumsfeld Indigo, LLC ..... Appellant.

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APPELLANTS' FIRST CONSENT  
MOTION FOR AN EXTENSION OF TIME

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Pursuant to Rules 208(a)(3), 209(a), 240(a)-(b), and 263(b) of the South Carolina Appellate Court Rules, Appellants hereby request a thirty day extension of time in which to file their Reply Brief and Designation of Matter due to obligations of counsel. This is Appellants' first request for an extension of time for any Brief and Designation of Matter in this appeal. The requested extension of time will not prejudice any party, and counsel for Respondents has consented to this request. (See Email attached as Exhibit A). Currently, Appellants' Reply Brief and Designation of Matter are due January 30, 2022. Should the Court grant Appellants request for an extension of time, Appellants' Reply Brief and Designation of Matter will be due March 1, 2022. Respondents respectfully request that the Court hold the current deadline in abeyance pending the Court's consideration of this motion.

This the 23rd day of January, 2023.

Respectfully submitted,



Tyler J. Mitchell, SC Bar #: 104417

*Tyler.Mitchell@Dinsmore.com*

Daniel R. Kelley, *Pro Hac Vice*

*Daniel.Kelley@Dinsmore.com*

Dinsmore & Shohl LLP  
211 North Pennsylvania Street  
One Indiana Square, Suite 1800  
Indianapolis, IN 46204  
T. (317) 639-6151 / F. (317) 639-6444

# **EXHIBIT A**

## Mitchell, Tyler

---

**From:** William Brown <william.brown@nelsonmullins.com>  
**Sent:** Monday, January 23, 2023 10:26 AM  
**To:** Mitchell, Tyler  
**Cc:** Kelley, Daniel; walt.tollison@thetollisonlawfirm.com  
**Subject:** [EXTERNAL] RE: GBPT, LLC v. Rumsfeld Indigo, LLC - Reply Brief Extension

### **CAUTION: Potential Impersonation attempt**

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Tyler,

I have no objection to Appellant's request for an extension of the briefing deadline.

William

---

**From:** Mitchell, Tyler <Tyler.Mitchell@DINSMORE.COM>  
**Sent:** Monday, January 23, 2023 10:24 AM  
**To:** William Brown <william.brown@nelsonmullins.com>  
**Cc:** Kelley, Daniel <Daniel.Kelley@DINSMORE.COM>; walt.tollison@thetollisonlawfirm.com  
**Subject:** GBPT, LLC v. Rumsfeld Indigo, LLC - Reply Brief Extension

◀External Email▶ - From: [tyler.mitchell@dinsmore.com](mailto:tyler.mitchell@dinsmore.com)

Good morning, William:

Pursuant to our conversation this morning, please confirm that Respondents raise no objection to Appellants' request for a thirty day extension of time to file their reply brief in the GBPT/Rumsfeld appeal (SC Ct of Appeals Case No. #2022-001420).

Many thanks,  
Tyler

The logo for Dinsmore, featuring the word "Dinsmore" in a blue, sans-serif font with a stylized "D" and a blue dot above the "i".

### **Tyler J. Mitchell**

*Attorney*

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

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AND

GBPT, LLC..... Respondent,

vs.

Rumsfeld Indigo, LLC ..... Appellant.

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CERTIFICATE OF SERVICE -  
APPELLANTS' RETURN TO MOTION TO  
STRIKE IMPROPER DESIGNATIONS

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I certify that I have served Appellants' *Return to Motion to Strike Improper Designations* on all Respondents by, pursuant to the Supreme Court of South Carolina's May 6, 2022 Order (Case No. 2020-000447), delivering each a copy via electronic mail to the following addresses on December 2, 2022:

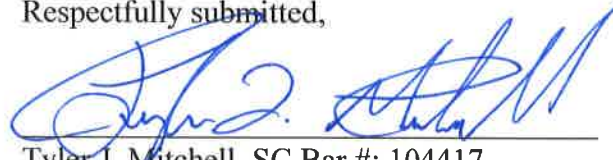
William Stevens Brown V  
*William.Brown@NelsonMullins.com*

Lewis W. Tollison III  
*Walt.Tollison@TheTollisonLawFirm.com*

Jacob Daniel Taylor  
*Taylor@WTOTrial.com*

Lauren Sharpton Price  
*Lauren.Price@TheTollisonLawFirm.com*

Respectfully submitted,



Date: December 2, 2022

Tyler J. Mitchell, SC Bar #: 104417  
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*Legal Counsel.*

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January 23, 2023

**RECEIVED**

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**SC Court of Appeals**

**VIA FACSIMILE AND USPS MAIL**

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

RE: GBPT, LLC v. Rumsfeld Indigo, LLC  
Appellate Case No. 2022-001420  
Civil Action Nos. 2021-CP-00086 & 00504  
Our File No. 133108.1

Dear Ms. Kitchings:

Please find enclosed for filing in the above-referenced matter Appellants' First Consent Motion for Extension of Time to file their Reply Brief and Designation of Matter, as well as Appellants' Certificate of Service for same. Please file stamp the attached and return an electronic version at your earliest convenience.

Appellants have also separately mailed a copy of this letter, accompanied by a check in the amount for \$50.00 for the filing fee associated with this Motion.

Please contact me with any questions. Thank you.

Very truly yours,

/s/ Tyler J. Mitchell  
Tyler J. Mitchell

TJM/MT  
Enclosures

cc: Via E-mail Only:  
William Brown  
Walt Tollison  
Jacob Taylor  
Lauren Price