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Feb 24 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

Shannon M. Phillips, Master-in-Equity

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

Consolidated Appellate Case No. 2022-001420

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.

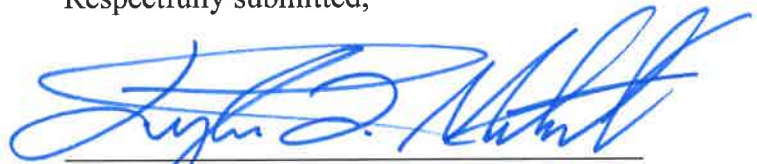
APPELLANTS' SECOND CONSENT
MOTION FOR AN EXTENSION OF TIME

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. All parties to this appeal are actively negotiating in an effort to reach a resolution of the claims which form the basis of this appeal and believe it likely that they may be able to reach a settlement agreement within the requested period. Respondents have reviewed this Motion, concur with the representations made herein, and consent to the extension as requested. (See Email attached as Exhibit A).

Currently, Appellants' Reply Brief and Designation of Matter are due March 1, 2023. Should the Court grant Appellants' request for an extension of time, Appellants' Reply Brief and Designation of Matter will be due March 31, 2023. Appellants respectfully request that the Court hold the current deadline in abeyance pending the Court's consideration of this motion.

This the 24th day of February, 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: Mitchell, Tyler
Sent: Friday, February 24, 2023 4:55 PM
To: 'William Brown'
Cc: Kelley, Daniel; walt.tollison@thetollisonlawfirm.com;
lauren.price@thetollisonlawfirm.com
Subject: RE: GBPT v. Rumsfeld Indigo (S.C. App. Case No. 2022-001420) - Appellants' Motion for Extension of Time

Appellants will agree to these edits. I will finalize, serve, and file shortly.

Have a good weekend.

Regards,
Tyler

Dinsmore

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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Suite 1800
Indianapolis, IN 46204
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E Tyler.Mitchell@Dinsmore.com • dinsmore.com

From: William Brown <william.brown@nelsonmullins.com>
Sent: Friday, February 24, 2023 4:32 PM
To: Mitchell, Tyler <Tyler.Mitchell@DINSMORE.COM>
Cc: Kelley, Daniel <Daniel.Kelley@DINSMORE.COM>; walt.tollison@thetollisonlawfirm.com;
lauren.price@thetollisonlawfirm.com
Subject: [EXTERNAL] RE: GBPT v. Rumsfeld Indigo (S.C. App. Case No. 2022-001420) - Appellants' Motion for Extension of Time

CAUTION: Potential Impersonation attempt

This email did not originate from a Dinsmore email address. DO NOT open attachments or click on links from unknown senders or unexpected emails.

Attached is a version of the motion with minors edits. If these edits are made, we agree to your filing.

William

From: Mitchell, Tyler <Tyler.Mitchell@DINSMORE.COM>
Sent: Friday, February 24, 2023 3:58 PM
To: William Brown <william.brown@nelsonmullins.com>
Cc: Kelley, Daniel <Daniel.Kelley@DINSMORE.COM>; walt.tollison@thetollisonlawfirm.com;
lauren.price@thetollisonlawfirm.com
Subject: RE: GBPT v. Rumsfeld Indigo (S.C. App. Case No. 2022-001420) - Appellants' Motion for Extension of Time

Good afternoon, William:

Please find attached a draft motion for extension of time for your review. With your consent, I will serve a copy of the final draft and file same with the Court.

Regards,
Tyler

Dinsmore

Tyler J. Mitchell

Attorney
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E Tyler.Mitchell@Dinsmore.com • dinsmore.com

From: William Brown <william.brown@nelsonmullins.com>
Sent: Friday, February 24, 2023 2:06 PM
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 (S.C. App. Case No. 2022-001420) - Appellants' Motion for Extension of Time

CAUTION: Potential Impersonation attempt

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Tyler,

In follow up to our telephone conversation regarding an additional extension of the briefing schedule to allow the parties to work toward a global resolution, I spoke with my client contact. We will consent to an extension. Please send me a draft of a consent motion and I will confirm.

William



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Jimmy I. Gibbs,..... Respondents.

AND

GBPT, LLC Respondent,

vs.

Rumsfeld Indigo, LLC Appellant.

PROOF OF SERVICE

Pursuant to Rule 262(c)(3) of the South Carolina Appellate Court Rules, and the Supreme Court's Order dated May 6, 2022, undersigned counsel hereby certifies that I have served a copy of Appellants' Second Consent Motion for an Extension of Time, via electronic mail, to the following counsel of record:

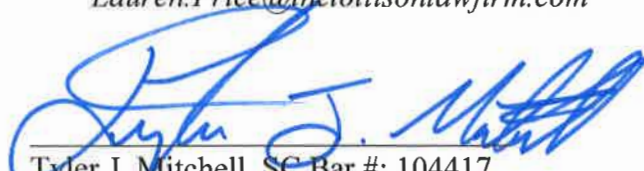
William Stevens Brown V
William.Brown@NelsonMullins.com

Lewis W. Tollison III
Walt.Tollison@thetollisonlawfirm.com

Jacob Daniel Taylor
taylor@wtotrial.com

Lauren Sharpton Price
Lauren.Price@thetollisonlawfirm.com

This the 24th day of February, 2023.



Tyler J. Mitchell, SC Bar #: 104417
Tyler.Mitchell@Dinsmore.com
Daniel R. Kelley, *Pro Hac Vice*
Daniel.Kelley@Dinsmore.com

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