

**RECEIVED**

**Jul 14 2023**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

---

Appeal from Spartanburg County  
Court of Common Pleas

Roger L. Couch, Circuit Court Judge  
R. Keith Kelly, Circuit Court Judge

---

Cases No. 2012-CP-42-04733 and -04915  
Appellate No.: 2023-000506

---

Jonathan Bryant,

Petitioner,

v.

Kevin Fountain,

Respondent.

In re:

Southern Wholesale, Inc.,

Plaintiff,

v.

Chad Kerr and Jonathan Bryant,

Defendants,

and

Jonathan Bryant,

Third-Party Plaintiff,

v.

Kevin Fountain and Specialty Equipment Leasing, Inc.,

Third-Party Defendants.

Of which Kevin Fountain, Southern Wholesale, Inc.,  
and Speciality Equipment Leasing, Inc., are

Appellants,

and Jonathan Bryant is

Respondent.

---

**SECOND MOTION FOR EXTENSION OF TIME TO  
FILE/SERVE INITIAL BRIEF OF APPELLANTS**

---

*\*Counsel identified on the following page*

Russell G. Hines (SC Bar No. 72100)  
CLEMENT RIVERS, LLP  
25 Calhoun Street, Suite 400  
Charleston, South Carolina 29401  
P.O. Box 993 (29402)  
(843) 720-5488

*-and-*

W. Westbrook Wills III (SC Bar No. 76681)  
THE LAW OFFICE OF  
W. WESTBROOK WILLS III  
P.O. Box 822  
Folly Beach, South Carolina 29439  
(843) 805-6300

*Attorneys for Appellants*

COME NOW Appellants, Kevin Fountain, Southern Wholesale, Inc., and Speciality Equipment Leasing, Inc., by and through their undersigned counsel, pursuant to Rule 263(b), SCACR, and move for a second extension of thirty (30) days' additional time to file/serve their initial brief and corresponding designation of matter to be included in the record on appeal.

Presently, by order of this Court filed June 14, 2023, the deadline for Appellants' initial brief and designation of matter is July 14, 2023. On account of work-related and other time commitments, Appellants respectfully request this deadline be extended by 30 days. Respectfully, Appellants believe this relief is consistent with the interests of justice and will not work any undue prejudice upon Respondent.

WHEREFORE, Appellants move this Honorable Court to grant them an additional extension of 30 days' time to file/serve their initial brief and corresponding designation of matter to be included in the record on appeal. With the extension requested herein, the new deadline for filing/serving their initial brief and designation of matter would be August 14, 2023, according to the undersigned's calculations. Further, Appellants respectfully request the Court hold their present initial-briefing/designation-of-matter deadline in abeyance until it acts upon this motion.

*[signature on next page]*

[Signature page for Second Motion for Extension of Time to File/Serve Initial Brief of Appellants, Appellate No.: 2023-000506]

Respectfully submitted,

By: s/Russell G. Hines  
Russell G. Hines (SC Bar No. 72100)  
CLEMENT RIVERS, LLP  
25 Calhoun Street, Suite 400  
Charleston, South Carolina 29401  
P.O. Box 993 (29402)  
(843) 720-5488

*-and-*

W. Westbrook Wills III (SC Bar No. 76681)  
THE LAW OFFICE OF  
W. WESTBROOK WILLS III  
P.O. Box 822  
Folly Beach, South Carolina 29439  
(843) 805-6300

*Attorneys for Appellants*

Charleston, South Carolina

July 14, 2023

**RECEIVED**

**Jul 14 2023**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

---

Appeal from Spartanburg County  
Court of Common Pleas

Roger L. Couch, Circuit Court Judge  
R. Keith Kelly, Circuit Court Judge

---

Cases No. 2012-CP-42-04733 and -04915  
Appellate No.: 2023-000506

---

Jonathan Bryant,

Petitioner,

v.

Kevin Fountain,

Respondent.

In re:

Southern Wholesale, Inc.,

Plaintiff,

v.

Chad Kerr and Jonathan Bryant,

Defendants,

and

Jonathan Bryant,

Third-Party Plaintiff,

v.

Kevin Fountain and Specialty Equipment Leasing, Inc.,

Third-Party Defendants.

Of which Kevin Fountain, Southern Wholesale, Inc.,  
and Speciality Equipment Leasing, Inc., are

Appellants,

and Jonathan Bryant is

Respondent.

---

**PROOF OF SERVICE**

---

*\*Counsel identified on the following page*

Russell G. Hines (SC Bar No. 72100)  
CLEMENT RIVERS, LLP  
25 Calhoun Street, Suite 400  
Charleston, South Carolina 29401  
P.O. Box 993 (29402)  
(843) 720-5488

*-and-*

W. Westbrook Wills III (SC Bar No. 76681)  
THE LAW OFFICE OF  
W. WESTBROOK WILLS III  
P.O. Box 822  
Folly Beach, South Carolina 29439  
(843) 805-6300

*Attorneys for Appellants*

I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Appellants, hereby certify that Appellants' **SECOND MOTION FOR EXTENSION OF TIME TO FILE/SERVE INITIAL BRIEF OF APPELLANTS** was served on Respondent on July 14, 2023, by emailing (see attached service email) a copy of the same to Respondent's counsel of record:

Scott F. Talley, Esquire  
TALLEY LAW FIRM, P.A.  
[scott@talleylawfirm.com](mailto:scott@talleylawfirm.com)  
*Attorneys for Respondent*

W. Westbrook Wills III, Esquire  
THE LAW OFFICE OF  
W. WESTBROOK WILLS III  
[wwills@wwillslaw.com](mailto:wwills@wwillslaw.com)  
*Additional Counsel for Appellants*

Respectfully submitted,

By: s/Russell G. Hines  
Russell G. Hines (SC Bar No. 72100)  
CLEMENT RIVERS, LLP  
*Attorneys for Appellants*

Charleston, South Carolina

July 14, 2023

## Bell, Pollyana (Polly)

---

**From:** Bell, Pollyana (Polly)  
**Sent:** Friday, July 14, 2023 1:56 PM  
**To:** 'W. Westbrook Wills III'; 'scott@talleylawfirm.com'  
**Cc:** Hines, Russell; Justman, Aimee  
**Subject:** Bryant v. Fountain ; Appellate Case No. 2023-000506 (CR 230287)  
**Attachments:** 2nd Motion for Extension - initial brief.pdf

Enclosed please find Appellants' Second Motion for Extension of Time to File/Serve their Initial Brief which will be filed today in the above-referenced matter.

Thank you,

Pollyana Bell  
Project Assistant  
Commercial Litigation Practice Group  
Phone:(843)720-5488 | Fax:(843)579-1369



**CLEMENT RIVERS, LLP**  
25 Calhoun Street • Suite 200 • Charleston, SC 29401  
FOR COUNSEL