

**RECEIVED**

**Jul 19 2023**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Letitia H. Verdin, Circuit Judge

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Appellate Case Number 2023-000353

Civil Action Number 2018-CP-23-01643

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Jason Tuck.....Appellant,

v.

On the Mark Automotive Repair and Refinishing, LLC d/b/a On the Mark Automotive, LLC, Carolina's Best Auto Sales, LLC, Carolina's Best Finance, 828A St. Mark Road, LLC, Affordable Auto Finance, Inc., Southeastern Recovery and towing, LLC, John D. Watts III (a/k/a John D. Watts), ..... Respondents.

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**RESPONDENTS' PETITION TO EXTEND TIME TO FILE RECORD ON APPEAL AND INITIAL BRIEF**

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Pursuant to South Carolina Appellate Court Rules 240 and 263(b), the Respondents (list), by and through their undersigned counsel, petition this Honorable Court for an extension of thirty (30) days in which to file and to serve Respondents' Designation of Matter to be Included in the Record on Appeal and Respondents' Initial Brief.

Respondents' counsel received service of the Appellant's Designation of Matter and Initial Brief on June 26, 2023. The Initial Brief is 46 pages long and involves complex issues of law and fact. Respondents counsel is working diligently to respond; however, counsel's existing

trial, discovery, and ADR deadlines and mediation practice make it impractical to complete Respondents' Initial Brief within the allotted time.

Respondents respectfully request an extension of time which to file and to serve the Designation of Matter and Initial Brief through August 26, 2023.

Respondents' Petition is supported by the affidavit of Respondents' counsel, L. Lee Plumblee, which is filed simultaneously with this petition.

Respectfully submitted,

s/L. Lee Plumblee

L. Lee Plumblee (S.C. Bar No. 10198)

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Attorneys for Respondents

July 19, 2023

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**AFFIDAVIT OF L. LEE PLUMBLEE**

Personally appeared before the undersigned L. Lee Plumblee, affiant, who, upon being duly sworn, testifies as follows:

1. I am L. Lee Plumblee and am a member in good standing of the South Carolina Bar;
2. I represent the Respondents Carolina’s Best Auto Sales, LLC, Carolina’s Best Automotive, LLC, Carolina’s Best Finance, 828A St. Mark Road, LLC, Affordable Auto Finance, Inc., Southeastern Recovery and Towing, LLC, and John D. Watts, III in this matter.
3. This appeal involves complex issues of fact and law. Responding to the Appellant’s positions requires review of more than 600 pages of deposition testimony from various witnesses, as well as trial testimony of the Appellant and of Respondent John D. Watts, III.
4. In addition, review of thousands of lines of native data accounting records for at least four of the names Respondent’s is involved in responding to Appellant’s Initial Brief.

5. I received service of the Appellant's Initial Brief on June 26, 2023, shortly before the July 4 holiday week. I began working on the Respondents' Initial Brief that week, but pre-existing obligations in other cases scheduled for trial later this year and previously scheduled mediations, as well as the extent and complexity of the issues raised in Appellant's Initial Brief, have prevented me from being able to respond in the time allotted by the Rules.

6. I respectfully request that the time for the filing of Respondents' Designation of Matter to be Included in the Record on Appeal, as well as the time for filing Respondents' Initial Brief be extended through August 26, 2023.

7. I attest that this request is not submitted for purposes of undue delay.

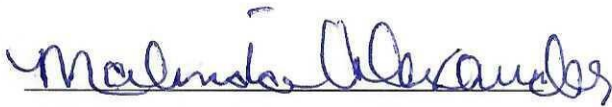
FURTHER, AFFIANT SAYETH NAUGHT.



L. Lee Plumblee

Sworn and Subscribed Before Me

This 19 day of July, 2023



Notary Public for South Carolina

My commission expires: 6/3/2024

**MALINDA ALEXANDER**  
Notary Public, State of South Carolina  
My Commission Expires 6/3/2024

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Mark Road, LLC, Affordable Auto Finance, Inc., Southeastern Recovery and towing,  
LLC, John D. Watts III (a/k/a John D. Watts), ..... Respondents.

**Proof of Service**

Proof of Service

The Undersigned hereby certifies that on the date indicated below he served counsel  
for Appellant with a copy of the Respondents' Petition to Extend Time to File Record on Appeal  
and Initial Brief and Affidavit of Lee Plumblee by via e-mail to:

Brian P. Murphy: [brian@stephensonmurphy.com](mailto:brian@stephensonmurphy.com)

Luke A. Burke: [LBurke@bannisterwyatt.com](mailto:LBurke@bannisterwyatt.com)

Bruce W. Bannister: [BBanister@bannisterwyatt.com](mailto:BBanister@bannisterwyatt.com)

Chad W. Graham: [Cgraham@wardfirm.com](mailto:Cgraham@wardfirm.com)

July 19, 2023.

*s/ L. Lee Plumblee*

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L. Lee Plumblee

Attorney for Respondent