

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Aug 23 2023

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas
Maité D. Murphy, Circuit Court Judge
Case No. 2015-002024

S.C. SUPREME COURT

Appellate Case No. 2023-001045
Ct. App. Case No. 2019-001719

Innovative Waste Management Inc., Respondent,
v.
Crest Energy Partners GP, LLC, Crest
Energy Partners LP, Dunhill Products LP,
Henry Wuertz, and Edward H. Girardeau, Appellants.

**RESPONDENT'S MOTION FOR EXTENSION OF TIME TO FILE
RETURN TO PETITION FOR WRIT OF CERTIORARI**

RESPONDENT, Innovative Waste Management (hereafter "Respondent") by and through its undersigned counsel, hereby respectfully requests a 20-day extension of time pursuant to Rules 242 and 263(b), SCACR in which to file its Return in Opposition to Appellants' Petition for Writ of Certiorari.

This case arises from Appellants' 2009 taking of approximately \$1million in oil and Appellants' interference with and taking of Respondent's business relationships, resulting in millions in illicit earnings by Appellants and millions in economic losses suffered by Respondents. The trial court sanctioned Appellants for discovery abuse, including the striking of Appellants' answer and the Appellants appealed. On March 29, 2023 the Court of Appeals upheld the trial court's order sanctioning Appellants and striking their answer.

On April 14, 2023, the case was remanded back to the trial court. Sometime thereafter, Appellants requested an extension of time from the Court of Appeals in which to file a motion for rehearing. The motion for extension of time was granted and the case was sent back from the trial court to the Court of Appeals for determination of the late motion. Appellants filed their motion for rehearing and the Court of Appeals denied Appellants Motion on June 5, 2023. On June 29, 2023 Appellants filed a motion for an extension of time in which to file its Petition for Certiorari. That motion was granted setting the deadline for the filing of the Petition as June 29, 2023. On June 29, 2023, Appellant filed its Petition for Certiorari electronically but did not copy Respondent's counsel and instead mailed a copy of the Petition. Counsel for Appellant received a copy of the Petition in the mail on Friday August 4, 2023.

Whereas Appellants have requested multiple extensions at every opportunity, the undersigned has not previously sought an extension. However, the undersigned has been in out-of-town deposition proceedings every week since having received the Petition on August 4, 2023 and anticipates being in out-of-town proceedings through the first week of September, 2023. While counsel is mindful of the Court's order that the press of business does not constitute extraordinary circumstances, in this situation there is good cause to grant the extension. The undersigned has not had any opportunity to review or brief the issues raised in the Petition (to the extent that there is anything new not already addressed by the Court of Appeals) and will not be able to do so for the next two weeks. Counsel for Respondents has not previously requested any extension and only makes this request upon a showing of good cause.

For these reasons, Respondent respectfully requests this Honorable Court grant this motion for extension of time, pursuant to Rules 242 and 263(b), SCACR.

Respectfully Submitted:

s/ Wm. M. Gruenloh
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August 23, 2023
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