

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas
Maite D. Murphy, Circuit Court Judge
Case No. 2012CP1801227

S.C. SUPREME COURT

Appellate Case No. 2023-001045
Ct. App. Case No. 2019-001719
Op. No. 2023-UP-126 (Ct. App. March 29, 2023)

Innovative Waste Management Inc., Respondent,

v.

Crest Energy Partners, GP, LLC, Dunhill Products GP, LLC, Henry Wuertz, Innovative Waste Management, Inc., Crest Energy Partners LP, Dunhill Products LP, Edward H. Girardeau, C. Russ Lloyd, Defendants, Of Whom,

Crest Energy Partners GP, LLC, Crest Energy Partners LP, Dunhill Products GP, LLC, Dunhill Products, LP, and Henry Wuertz are the Petitioners.

**MOTION FOR LEAVE TO FILE REPLY IN SUPPORT
OF PETITION FOR WRIT OF CERTIORARI OUT OF TIME**

Petitioners Crest Energy Partners GP, LLC, Crest Energy Partners LP, Dunhill Products GP, LLC, Dunhill Products, LP, and Henry Wuertz, through undersigned counsel, hereby respectfully request a that this Honorable Court grant Petitioners a leave to file their Reply Brief in Support of their Petition for Certiorari Out of Time, pursuant to Rule 263(b), SCACR.

Petitioners' Reply brief was originally due on September 29, 2023. Petitioners seek a one-day extension of time, Out of Time, which would then make the Reply Brief timely as filed on October 2, 2023.

Petitioners assert there is sufficient cause for granting this request for Leave to File out of Time are as follows. Undersigned Counsel for the Petitioners is in the process of selling his home in Charleston. The Buyer was represented by the wife of Respondents' counsel Wm. Micheal Gruenloh. The property owned by undersigned counsel came under contract on July 3, 2023, and closing was extended several times for the convenience of the Buyer. In the meantime, the undersigned contracted to purchase another home in the Charleston area, and back-to-back closings were finally approved and scheduled for Tuesday, September 26, 2023. Buyer's agent cancelled the closing scheduled for September 26, 2023 approximately two and one-half hours beforehand. On Thursday, September 28, 2023 at 2:22 pm, Buyer's banker contacted the attorney representing the undersigned on both closings, and informed him that he had "just received Denial from Mortgage Insurance . . . [w]e will not be able to move forward with this Purchase", despite having produced a seven-figure pre-qualification letter some three months prior. The last-minute cancellation of this transaction purchase has significantly delayed the undersigned's purchase of the new residence and, as a result of having to suddenly abort the move previously scheduled to begin on Tuesday September 26, 2023, left him with a fully packed residence (including his home office), which has taken the better part of the last week to stabilize.

The undersigned contacted the Supreme Court case manager on the afternoon of Thursday, September 28 to inquire about the propriety of seeking an additional extension of time, given that Petitioners had already received a twenty-day extension of time to with their Petition for Writ of Certiorari. The undersigned was advised to file the Reply with a Motion to File Out of Time, given that the order of the Supreme Court of South Carolina dated July 16, 2014 does not allow for requests for extensions of time less than five days.

Petitioners recognize that the Court ordinarily will not grant extensions of time exceeding a total of twenty cumulative days for any case Seeking a petition for writ of certiorari to review a decision of the Court of Appeals. However, petitioners respectfully request that the Court recognize that this was an unexpected situation which was truly beyond the control of the movant.

For these reasons, Petitioners respectfully request that this Honorable Court GRANT this Motion for Leave to File out of Time, pursuant to Rule 263(b), SCACR.

RESPECTFULLY SUBMITTED:

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October 2, 2023
Charleston, South Carolina