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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM HORRY COUNTY
The Honorable Cordell Maddox, Jr.

Appellate Court Case 2023-001099

TNT and More, Inc., d/b/a Crab Catchers on the Waterfront Appellants,

v.

TnW & More, LLC d/b/a Little River Watersports, Eric Rolf, Justin Whitley, and
Stephen Rolf, individually, a/k/a Atlantic Jet Ski Rentals, LLC d/b/a East Coast Jet Ski
Adventures Respondents

MOTION FOR EXTENSION OF TIME AND TO FILE INITIAL BRIEF OUT OF TIME

Counsel for Respondents files this motion for an extension of time to file and serve its initial brief or, in the alternative, file a motion to dismiss the appeal. The Order on appeal was a temporary restraining Order which arose from the motion of Eric Rolf, Stephen Rolf, and Atlantic Jet Ski Rentals, LLC. The Order was issued to protect the ongoing business concerns of the Rolfs and Atlantic Jet Ski Rentals at the Little River Marina. However, none of the original moving parties currently have any commercial activity at the marina and are no longer in need of the temporary restraining order. In fact, Judge Maddox amended his original Order to require these parties to obtain a bond for the TRO, which they chose not to do. Appellants actually filed a motion in the lower court to dismiss the Order currently on appeal without obtaining leave of this Court. Respondents do not oppose the motion, though there may be some jurisdictional issues pertaining to its legitimacy.

This appeal is moot and the temporary restraining order originally issued by Judge Maddox can be rescinded as such. Respondents do not agree with the legal analysis proffered in Appellants initial brief, but do not want to incur the expense of responding when all issues are moot. Counsel for Respondents reached out to Counsel for Appellants to resolve this without a motion, but was unable to reach a resolution before the filing of this motion. Therefore, Appellants seek an extension of time to file any briefs required out of time on or before November 8, 2023. Appellants will work with Respondents to dismiss this appeal as moot in the intervening time.

This 23rd day of October, 2023

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