

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Jun 03 2024

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas  
Maite D. Murphy, Circuit Court Judge

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S.C. SUPREME COURT

Appellate Case No. 2023-001045

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 Appellants.

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**MOTION FOR EXTENSION OF TIME  
TO FILE THE APPENDIX AND PETITIONERS' BRIEF**

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DEFENDANTS / APPELLANTS 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 10-day extension of time to file copies of their Brief and Appendix, as requested in the Court's Order of May 1, 2024 and in accordance with Paragraph 2 of the Court's July 16, 2014 Order RE: Extensions in Cases Seeking a Petition for a Writ of Certiorari to Review a Decision of the South Carolina Court of Appeals, which the undersigned presumes to apply beyond the granting of the Petition.

This case emanates from a series of 2009 and 2010 petroleum transactions between Respondent Innovative Waste Management ("IWM") and Appellant Crest Energy Partners, L.P.,

formerly known as Dunhill Products, L.P. (“Crest”). IWM’s first lawsuit was dismissed by the United States District Court for the District of South Carolina for lack of subject matter jurisdiction on May 10, 2012. On May 11, 2012, IWM filed this lawsuit in the Dorchester County Court of Common Pleas, based on the same facts previously alleged in federal court. The Dorchester County case was dismissed on April 20, 2015. IWM pursued a successful appeal, which resulted in the Court of Appeals’ opinion Innovative Waste Mgmt. Inc. v. Crest Energy Partners GP, LLC, 423 S.C. 611, 815 S.E.2d 780 (Ct. App. 2018), affirmed as modified by this Court’s opinion, Innovative Waste Mgmt. Inc. v. Crest Energy Partners GP, LLC 425 S.C. 568, 571, 824 S.E.2d 214 (2019).

As noted in the statement of Sean K. Butler, CPA, which appears as page 756 of the Third Amended Record on Appeal, Crest Energy Partners GP, LLC and Crest Energy Partners LP, who were formerly known as Dunhill Products GP, LLC, Dunhill Products, LP, ceased business operations in 2015 while this case was on appeal from the April 20, 2015 dismissal.

The case was remitted to the trial court on February 27, 2019. The resurgence of a discovery dispute, which was exacerbated by the insolvency of the entity defendants, ultimately resulted in an October 1, 2019 trial court order striking all Appellants’ Answers and Counterclaims. Notice of Appeal was filed October 9, 2019, the case was argued on December 2, 2022, and the Court of Appeals issued an unpublished Order affirming the lower court on March 29, 2023. Rehearing was denied on June 5, 2023. As previously noted, the Court granted certiorari on May 1, 2024

The undersigned seeks this extension to accommodate the unusual and difficult posture of this case. Appellant Wuertz, former president of Appellant Crest Energy Partners, L.P. has been forced by the breadth of the ruling below to pursue this appeal on behalf of himself and two entities

that have not conducted business for nine years, after twelve years of litigating the issues presented in the case. Wuertz continues to have difficulty procuring and allocating resources to the appeal. Second, undersigned counsel has been out of the office and working a limited schedule for the past two weeks due a personal illness. Third, the undersigned did not realize until contacting the Court that the May, 1 2024 Order was a request for printed and bound copies in conjunction with the Paragraph D of the Court's April 30, 2024 Re: Order Formatting and Additional Copies in Appellate Matters Under Rule 267(f), SCACR, and will need time to complete the preparation of those documents for paper filing. Appellants submit that the grounds stated herein constitute good cause and extraordinary circumstances to grant a 10 -day extension of time, or more, if the Court sees fit to do so within its discretion. Further, given the tortured history of this case. The undersigned does not believe that Respondent will be unduly prejudiced if Appellants are granted an additional extension to file their petition.

For these reasons, Appellants respectfully request that this Honorable Court GRANT this motion for extension of time, pursuant to Rule 263(b), SCACR and the Court's

RESPECTFULLY SUBMITTED:

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