

THE STATE OF SOUTH CAROLINA  
In The Court Of Appeals

---

APPEAL FROM GREENVILLE COUNTY  
Before the Master In Equity

Charles B. Simmons, Jr., Master In Equity

---

Case No. 2007-CP-23-3206  
Appellate Case No. 2012-212748

---

RECEIVED

SEP 17 2013

SC Court of Appeals

North American Rescue Products, Inc.,.....Appellant,

v.

P. J. Richardson,.....Respondent.

---

**RETURN TO MOTION FOR EXTENSION**

---

The Appellant (NARP) objects to the second extension request by the Respondent (Richardson) for the reasons set forth below.

In *North American Rescue Prods., Inc. v. Richardson*, 720 S.E.2d 53, 61 (S.C. App. 2011) (hereinafter referred to as *NARP I*), the first appeal in this case, this Court ordered Richardson to pay \$2,936,300.00 in exchange for 7.5% of NARP's stock.<sup>1</sup> NARP then tendered the stock for the amount ordered by this Court but Richardson refused to obey this Court's order.

NARP filed a petition for rule to show cause in the circuit court, requesting that Richardson be ordered to appear and show cause why he had not performed the judgment and whether he had the intent or ability to do so. NARP also requested that Richardson be required to deposit the judgment amount plus post-judgment interest, or post a bond in like amount,

---

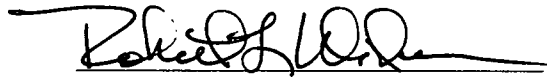
<sup>1</sup> This Court denied rehearing and the case is currently pending before the Supreme Court on petition for certiorari.

during the continued pendency of the appeal on certiorari petition before the Supreme Court, or that his use of assets be restricted during the pendency of that appeal. The trial court denied the relief requested by NARP, and NARP timely appealed. This appeal is currently pending before this Court, and it is in this appeal that Richardson requests a second extension for his brief of respondent.

At the time of the hearing on the rule to show cause, Richardson had sufficient assets to pay the amount ordered by this Court, but all of his assets were owned in a joint tenancy by entirety with his wife, who is not a party to this lawsuit and not subject to the appealed judgment. Thus, Richardson's wife has unfettered access to all assets with no duty to pay the judgment and, if Richardson dies during the pendency of the appeal, sole ownership of all assets immediately transfers to her with no corresponding duty to pay the judgment.

The issues presented in this appeal are simple and straightforward – NARP's brief of appellant is less than five (5) pages long. Delaying the resolution of the current appeal will endanger NARP's ability to obtain the payment ordered by this Court in *NARP I*. Accordingly, the extension motion should be denied so that the current appeal may proceed with all deliberate speed – NARP will move to expedite the current appeal but cannot do so until after the filing of the final briefs. In the alternative, any extension should be conditioned upon Richardson filing a bond in an amount sufficient to satisfy this Court's order. As a second alternative, any extension should be conditioned upon the use of assets in the same amount being restricted during the pendency of the current appeal.

Respectfully Submitted,



Robert L. Widener  
McNair Law Firm, P.A.  
Post Office Box 11390  
Columbia, South Carolina 29211  
(803) 799-9800

Bernie W. Ellis  
McNair Law Firm, P.A.  
Post Office Box 447  
Greenville, South Carolina 29602  
(864) 271-4940

Attorneys for Appellant

September 17, 2013  
Columbia, SC

THE STATE OF SOUTH CAROLINA  
In The Court Of Appeals

APPEAL FROM GREENVILLE COUNTY  
Before the Master In Equity

Charles B. Simmons, Jr., Master In Equity

Case No. 2007-CP-23-3206  
Appellate Case No. 2012-212748

RECEIVED  
SEP 17 2013

SC Court of Appeals

North American Rescue Products, Inc.,.....Appellant,

v.


P. J. Richardson,.....Respondent.

CERTIFICATE OF SERVICE

I, Ann Shuler, an employee of the McNair Law Firm, certify that I have served the Appellant's Return to Motion for Extension by depositing a copy in the United States Mail, postage prepaid, on September 17, 2013 addressed to the attorneys of record, as follows:

Rivers Stilwell, Esq.  
NELSON MULLINS RILEY & SCARBOROUGH, LLP  
Post Office Box 10084  
Greenville, South Carolina 29603

C. Mitchell Brown, Esq.  
NELSON MULLINS RILEY & SCARBOROUGH, LLP  
Post Office Box 11070  
Columbia, South Carolina 29211-1070

  
Ann Shuler

September 17, 2013

Robert L. Widener

rwidener@mcnair.net  
T 803.799.9800  
F 803.753.3278

**Via Courier**

Honorable Jenny Abbott Kitchings  
Clerk of Court  
S.C. Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

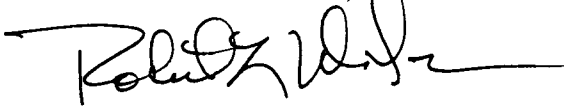
Re: North American Rescue Products, Inc. v. P. J. Richardson  
SC Court of Appeals Case No. 2012-212748

Dear Ms. Kitchings:

Enclosed for filing, please find the original and seven copies of Appellant North American Rescue Products, Inc.'s Return to Motion for Extension. Please file the Return in your office, and return the file stamped extra copy to me via our courier. By copy of this letter, we are serving counsel for the Respondent with a copy of the Return.

Respectfully yours,

McNAIR LAW FIRM, P.A.



Robert L. Widener  
SC Bar No. 6089

RLW/as

cc: Rivers S. Stillwell, Esq.  
C. Mitchell Brown, Esq.  
A. Mattison Bogan, Esq.  
Bernie W. Ellis, Esq.

McNair Law Firm, P. A.  
1221 Main Street  
Suite 1800  
Columbia, SC 29201

Mailing Address  
Post Office Box 11390  
Columbia, SC 29211

mcnair.net