

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 23 2013  
SC Court of Appeals

North American Rescue Products, Inc., ..... Appellant,  
v.  
P.J. Richardson, ..... Respondent.

**RESPONDENT'S REPLY IN SUPPORT OF HIS MOTION FOR EXTENSION OF  
TIME TO FILE RESPONDENT'S INITIAL BRIEF AND DESIGNATION OF  
MATTER TO BE INCLUDED IN THE RECORD ON APPEAL**

Respondent P.J. Richardson hereby replies to Appellant NARP's return in opposition to Richardson's request for a routine extension. This reply is filed in support of the request for additional time to the extent the court deems an extension necessary at this juncture.

First, contemporaneous with the filing of this reply, Richardson has filed his initial respondent's brief. Thus, the Court should grant the motion as providing an extension to today's date for filing the brief (a ten day extension as Richardson's brief was previously due on September 13, 2013).

Second, without stating any basis, NARP claims that the appeal involves time sensitive issues. NARP, however, previously sought and received at least four extensions of its own to request more time for filing its own brief and designation. Richardson

consented to both extension requests. Moreover, neither party's position has changed since NARP asked for and received those prior extensions.

Third, NARP, asks that this Court impose improper conditions upon Richardson if it decides to grant any extension. No additional extension beyond today is needed, as Richardson's brief is now filed. No conditions should thus be considered. In addition, NARP filed no motion seeking conditions on Richardson for Richardson obtaining extensions. Further, in this appeal NARP claims the trial court erred in not requiring Richardson to post a bond or deposit monies into court. NARP's opposition to Richardson's extension request attempts to seek the exact same relief (*i.e.*, that Richardson post a bond or deposit monies into the court) as a condition for Richardson's extension. Such extraordinary relief is not provided for under the appellate court rules. NARP is seeking to essentially "win" its appeal in this matter under the guise of opposing an extension request. In any event, as shown above, Richardson has now filed his brief and has removed any alleged time-related concerns expressed in NARP's opposition.

Accordingly, the court should grant the motion for the extension and accept the brief filed today on behalf of Richardson.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 

C. Mitchell Brown  
SC Bar No. 012872  
E-Mail: mitch.brown@nelsonmullins.com  
A. Mattison Bogan  
SC Bar No. 72629  
E-Mail: matt.bogan@nelsonmullins.com  
1320 Main Street / 17th Floor  
Post Office Box 11070 (29211-1070)  
Columbia, SC 29201

(803) 799-2000

Rivers S. Stilwell  
SC Bar No. 002108  
E-Mail: rivers.stilwell@nelsonmullins.com  
104 South Main Street / Ninth Floor  
Post Office Box 10084 (29603-0084)  
Greenville, SC 29601  
(864) 250-2300

*Attorneys for Respondent P.J. Richardson*

Columbia, South Carolina  
September 23, 2013

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

---

North American Rescue Products, Inc., ..... Appellant,  
v.  
P.J. Richardson, ..... Respondent.

---

PROOF OF SERVICE

---

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Respondent P.J. Richardson, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

**Respondent's Reply in Support of his Motion for  
Extension of Time to File Respondent's Initial Brief  
and Designation of Matter to be Included in the Record  
on Appeal**

Counsel Served:

Robert L. Widener, Esquire  
McNair Law Firm, PA  
Post Office Box 11390  
Columbia, SC 29211

Bernie W. Ellis, Esquire  
McNair Law Firm, PA  
Post Office Box 447  
Greenville, SC 29602

*Lisa P. Whitehurst*

---

Lisa P. Whitehurst  
Administrative Assistant

September 23, 2013

# Nelson Mullins

Nelson Mullins Riley & Scarborough LLP

Attorneys and Counselors at Law

1320 Main Street / 17th Floor / Columbia, SC 29201

Tel: 803.799.2000 Fax: 803.255.9025

www.nelsonmullins.com

C. Mitchell Brown

Tel: 803.255.9595

Fax: 803.255.9025

mitch.brown@nelsonmullins.com

September 23, 2013

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
SC Court of Appeals  
1015 Sumter Street - 5th Floor  
Columbia, SC 29201

RECEIVED  
SEP 23 2013

RE: North American Rescue Products, Inc. v. P.J. Richardson  
Civil Action No. 2007-CP-23-3206  
SC Court of Appeals Case No. 2012-212748  
NMRS File No. 30528/01500

SC Court of Appeals

Dear Ms. Kitchings:

Enclosed please find the original and seven copies of Respondent's Reply in Support of his Motion for Extension of Time to File Respondent's Initial Brief and Designation of Matter to be Included in the Record on Appeal in regard to the above-referenced matter. We would ask that you file the original and return a clocked-in copy to us via our courier.

By copy of this letter to counsel of record, we are serving them with a copy of this reply.

With kind regards, I remain

Sincerely yours,



C. Mitchell Brown

CMB:lpw

Enclosures

cc: Bernie W. Ellis, Esquire  
Robert L. Widener, Esquire