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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas
The Honorable J. Derham Cole, Circuit Court Judge

Appellate Case No. 2025-001880
Court of Appeals No. 2023-000155
Court of Common Pleas No. 2019-CP-23-06915

Richard D. White Petitioner,

v.

FT Acquisitions, LLC, Commercial Foodservice Repair, Inc.,
and Kurt Herwald Respondents.

**MOTION FOR EXTENSION OF TIME TO FILE
RETURN TO PETITION FOR WRIT OF *CERTIORARI***

Respondents FT Acquisitions, LLC, Commercial Foodservice Repair, Inc., and Kurt Herwald (collectively, “Respondents”), pursuant to Rule 240, SCACR, respectfully move for an order extending by fourteen (14) days the deadline to file and serve their Return to the Petition for Writ of *Certiorari* to October 29, 2025. In support of this motion, Respondents would show as follows:

1. Petitioner filed his Petition for Writ of *Certiorari* (the “Petition”) on September 15, 2025.
2. Respondents’ Return to the Petition is due on October 15, 2025. *See* Rule 242(f), SCACR.

3. Additional time is needed to draft Respondents' Return to the Petition based on counsels' extensive briefing and discovery deadlines in other pending cases. Between September 15, 2025 (the date the Petition was filed) and October 15, 2025 (the date the Return to the Petition is due), counsel for Respondents have the following obligations in other cases:

- a. Prepared Motion for Summary Judgment and accompanying Motion to Seal, filed on September 29, 2025, in *William Allan Mason v. Pioneer Rural Water District*, Case No. 8:24-cv-04744-JDA-WSB, pending in the United States District Court for the District of South Carolina;
- b. Travel to Atlanta, Georgia to depose party opponent on October 7, 2025, in *Jihaad Burns v. Epic Tech, LLC*, Case No. 1:25-cv-00472-LMM-JEM, pending in the United States District Court for the Northern District of Georgia;
- c. Prepare and file Reply to Objections to Report and Recommendation, due on October 7, 2025, in *Keenya K. Bond v. Itron Inc. and Manpower US, Inc.*, Case No. 8:25-cv-04882-DCC-WSB, pending in the United States District Court for the District of South Carolina;
- d. Prepare for and attend in-person hearing on pending motions on October 8, 2025, in *Gregory Steele as guardian ad litem of C.F., a minor child under the age of fourteen v. New Image Church, Donavon Jessie Austin, Jr., Mark Livingston, Sr., and Checkr, Inc.*, Case No. 2024-CP-39-00038, pending in the Pickens County Court of Common Pleas;
- e. Prepare Response in Opposition to Motion for Confidentiality Order and Cross Motion for Entry of Confidentiality Order, due on October 10, 2025, in *Capital Resorts Group, LLC v. Wesley Financial Group, LLC*, Case No. 4:24-cv-03043-

JDA, pending in the United States District Court for the District of South Carolina;
and

- f. Prepare Memorandum in Support of Motion to Compel and prepare for and attend October 10, 2025 virtual hearing regarding the same in *Greater Lowcountry Plumbing, LLC d/b/a Mr. Rooter Plumbing of Charleston v. Blue Collars, LLC a/k/a Blue Collars Plumbing of Charleston, LLC and Erik Emmett*, Case No. 2024-cp-10-05995, pending in the Charleston County Court of Common Pleas.
4. In addition, undersigned counsel has a case on the November 3, 2025 Trial Roster in the Spartanburg County Court of Common Pleas that appears likely to proceed at this time.
5. For the foregoing reasons, good cause exists to extend the deadline for Respondents to file their Return to the Petition. Respondents respectfully request an extension of fourteen (14) days—to October 29, 2025—to file their Return to the Petition.
6. Respondents recognize that under this Court’s Order of July 16, 2014, extensions during the certiorari stage are disfavored and should be strictly limited. Respondents’ counsel certify that this extension request is for the minimum amount of time needed and is not made for purposes of delay.
7. Finally, counsel for Respondents conferred with counsel for Petitioner, and Petitioner consented to the extension requested herein.

CONCLUSION

For the reasons set forth above, Respondents respectfully request entry of an order extending the deadline for their Return to the Petition to October 29, 2025.

[signature page follows]

Respectfully Submitted,

By: /s/ Giles M. Schanen, Jr.

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