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Oct 08 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

The Honorable Vernon F. Dunbar, Circuit Court Judge

Appellate Case No.: 2026-000858

Frank G. Rogers, individually and derivatively as a member on behalf of Exodus Aircraft, LLC,

Respondent,

v.

Joshua Brett Kimbrell, Liliya Shcherba Robertson Kimbrell, Exodus Airways, LLC, Thomas Blake Whitaker, Defendants,

of which Joshua Brett Kimbrell and Liliya Shcherba Robertson Kimbrell are the Appellants,

Appellants.

RESPONDENT'S MOTION FOR EXTENSION OF TIME

Respondent, by and through undersigned counsel, hereby respectfully requests a thirty-day extension of time, from October 8, 2026 to November 9, 2026, to file his Initial Brief in this matter. Counsel has been actively working on Respondent's initial brief; however, counsel's numerous other deadlines prevent her from finalizing it by the current deadline. Therefore, counsel for Respondent asks for this extension to have additional time to prepare and file Respondent's Initial Brief. This is Respondent's first request for an extension. Counsel for the Respondent has consulted with Counsel for the Appellants, who consents to the relief requested.

Respectfully submitted,

s/ Hannah Rogers Metcalfe

Hannah Rogers Metcalfe, S.C. Bar #73046

METCALFE & ATKINSON, LLC

1395 S. Church Street

Greenville, South Carolina 29605

864-214-2319

Attorney for Respondent

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Appellants.

PROOF OF SERVICE

I certify that on October 8, 2026, I served Respondent's Motion for Extension of Time on the Appellants, by electronic mail to address listed on the AIS system and by placing a copy in the United States mail, postage prepaid, addressed as follows:

Joshua Snow Kendrick
Christopher S. Leonard
KENDRICK & LEONARD, PC
7 Mills Avenue
Greenville, SC 29605

Josh@KendrickLeonard.com
chris@kendrickleonard.com

s/Hannah Rogers Metcalfe
Hannah Rogers Metcalfe, S.C. Bar #73046
METCALFE & ATKINSON, LLC
1395 S. Church Street
Greenville, South Carolina 29605
864-214-2319

Attorney for Respondent

METCALFE & ATKINSON, LLC
ATTORNEYS AT LAW

October 8, 2026

The Honorable Jenny Abbott Kitchings
Clerk of South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201
ctappfilings@sccourts.org

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RE: Frank G. Rogers v. Joshua B. Kimbrell
Appeal No.: 2026-000858

Dear Ms. Kitchings:

Enclosed for filing please find Respondent's Motion for Extension of Time as well as the proof of service which reflects service of same upon opposing counsel. I would very much appreciate your filing same and returning a file-stamped copy to me.

Please note that a check in the amount of \$50.00 dollars to pay the motion filing fee and a copy of this correspondence will be sent via US mail. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Hannah Rogers Metcalfe
hmetcalfe@malawfirmssc.com

HRM/ezv

Enclosure

cc: Joshua Snow Kendrick
Christopher S. Leonard