

IN THE STATE OF SOUTH CAROLINA

In the Court of Appeals

71036

APPEAL FROM GREENVILLE COUNTY

Court of Common Pleas

Edward W. Miller, Circuit Court Judge

RECEIVED

JAN 22 2014

Case No. 2008-CP-23-05739

SC Court of Appeals

Andrew P. (Andy) Ballard, Respondent,

v.

Tim Roberson, Rick Thoennes, Rick Thoennes III,
and Warpath Development, Inc. Appellants.

MOTION FOR ENLARGEMENT OF THE TIME TO REQUEST A TRANSCRIPT
OF THE PROCEEDINGS OR IN THE ALTERNATIVE, A MOTION FOR EXTENSION OF
TIME TO SERVE AND FILE APPELLANTS' INITIAL BRIEF

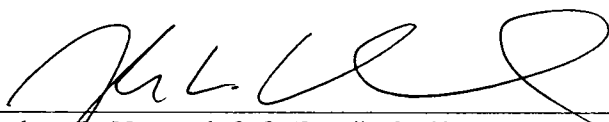
Pursuant to Rule 240, SCACR, Appellants request that the time for ordering the transcript in accordance with Rule 207, SCACR be enlarged until January 6, 2014. The Notice of Appeal of this matter was served on December 20, 2013. Inadvertently, Appellants did not request the transcript pursuant to Rule 207, SCACR, until January 6, 2014. See January 6, 2014 letter

attached. January 6, 2014 appears to be beyond the ten (10) day period set forth in Rule 207. Appellants respectfully request that its motion to enlarge the time to request a transcript of the proceeding until January 6, 2014 be granted.

In the alternative, if the Court is unable to grant Appellants' motion to enlarge the time to request the transcript, Appellants request a sixty (60) day extension of its time to serve and file initial briefs pursuant to Rule 208, SCACR. Assuming the enlargement of the time to request the transcript to January 6, 2014 is denied, Appellants' deadline for filing and serving its initial brief is January 21, 2014. With the requested extension, Appellants' initial brief would then be due on or before March 24, 2014.

In summary, Appellants request that the Court grant their motion to enlarge the time to request a transcript of the proceedings until January 6, 2014. The time for filing Appellants' initial brief would then run in accordance with receipt of the transcript to the proceedings as set forth in Rules 207 and 208, SCACR. In the alternative, should the Court decline to enlarge the period for requesting the transcript of the proceedings, Appellants request a sixty (60) extension of its time to file and serve its initial brief.

Respectfully submitted,



Joshua L. Howard, S.C. Bar # 70260
HAYNSWORTH SINKLER BOYD, P.A.
One North Main Street, 2nd Floor
Post Office Box 2048
Greenville, South Carolina 29602
(864) 240-3200

Attorneys for Appellants

Dated: January 17, 2014
Greenville, South Carolina

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

JAN 22 2014

SC Court of Appeals

Edward W. Miller, Circuit Court Judge

Case No. 2008-CP-23-05739

Andrew P. (Andy) Ballard, Respondent,

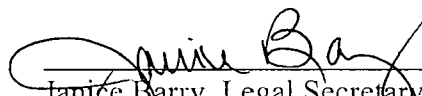
v.

Tim Roberson, Rick Thoennes, Rick Thoennes III,
and Warpath Development, Inc. Appellants.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Appellants' Motion for Enlargement of the Time to Request a Transcript of the Proceedings or in the Alternative, a Motion for Extension of Time to Serve and File Appellants' Initial Brief was served upon all counsel of record on this the 17th day of January, 2014, by U.S. Mail, postage prepaid, to the following:

Wallace K. Lightsey, Esquire
WYCHE, PA
44 East Camperdown Way
Greenville, SC 29601



Janice Barry, Legal Secretary to Joshua L. Howard
Haynsworth Sinkler Boyd, P.A.
75 Beattie Place, Eleventh Floor (29601)
P.O. Box 2048
Greenville, SC 29602
Phone: (864) 240-3223/Fax: (864) 240-3300

Haynsworth
Sinkler Boyd, P.A.

ATTORNEYS AND COUNSELORS AT LAW

ONE NORTH MAIN, 2ND FLOOR (29601-2772)
POST OFFICE BOX 2048 (29602-2048)
GREENVILLE, SOUTH CAROLINA
TELEPHONE 864.240.3200
FACSIMILE 864.240.3300
www.hsblawfirm.com

JOSHUA L. HOWARD, ESQ.
DIRECT DIAL NUMBER 864-240-3202
EMAIL jhoward@hsblawfirm.com

January 6, 2014

Ms. Caroline Hiskell
32 Duxbury Lane
Easley, SC 29642

Re: Andrew P. (Andy) Ballard v. Tim Roberson, Rick Thoennes, Rick Thoennes III, and
Warpath Development, Inc.
C.A. No.: 2008-CP-23-5739

Dear Ms. Hiskell:

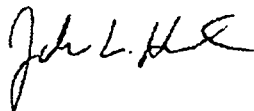
Please be advised that this firm represents the Defendants in the above referenced action. We are hereby requesting the transcript for the August 6, 2013 hearing held before the Honorable Edward W. Miller, Circuit Court Judge, in Greenville County.

We request that you provide the transcript for the entire record. We agree to pay the per page charge for this transcript as provided by Rule 607, SCACR.

With kind personal regards, I am

Very truly yours,

HAYNSWORTH SINKLER BOYD, P.A.



Joshua L. Howard
JLH:mlw

cc: The Honorable Jenny Abbott Kitchings, South Carolina Court of Appeals
Ms. Desiree Allen, South Carolina Court Administration
Wallace K. Lightsey, Esq.

GREENVILLE

CHARLESTON

COLUMBIA

FLORENCE

Haynsworth
Sinkler Boyd, P.A.

ATTORNEYS AND COUNSELORS AT LAW

JOSHUA L. HOWARD
DIRECT DIAL NUMBER 864.240.3202
EMAIL JHOWARD@HSBLAWFIRM.COM

ONE NORTH MAIN STREET, 2ND FLOOR (29601)
POST OFFICE BOX 2048 (29602-2048)
GREENVILLE, SOUTH CAROLINA
TELEPHONE 864.240.3200
FACSIMILE 864.240.3300
WEBSITE www.hsblawfirm.com

January 17, 2014

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

Re: Andrew P. (Andy) Ballard v. Tim Roberson, Rick Thoennes, Rick Thoennes III, and
Warpath Development, Inc..
C.A. No.: 2008-CP-23-5739

Dear Ms. Kitchings:

Please find enclosed the original and seven copies, a Motion for Enlargement of the Time to Request a Transcript of the Proceedings or in the Alternative, a Motion for Extension of Time to Serve and File Appellants' Initial Brief, Certificate of Service showing service of the same on the Respondent, and a filing fee of \$25. We have enclosed an additional copy of the motion to be filed-stamped and returned to us in the enclosed self-addressed stamped envelope.

Please contact me if you have any questions. Thank you for your assistance in this matter.

With kind personal regards, I am

Very truly yours,

HAYNSWORTH SINKLER BOYD, P.A.



Joshua L. Howard

JLH:jmb
Enclosures

cc: Wallace Lightsey, Esquire

RECEIVED

JAN 22 2014

SC Court of Appeals