

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

72955

**RECEIVED**

JUL 22 2014

**SC Court of Appeals**

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Edward W. Miller, Circuit Court Judge

---

Appellate Case No. 2013-002435  
Trial Court Case No. 2011CP2307943

---

John Deere Financial, f.s.b. FPC Financial, Plaintiff,

v.

Jerry A. Bruce, Defendant and Third-Party Plaintiff.....Respondent,

v.

Flint Equipment Co., Third-Party Defendant.....Appellant.

---

MOTION FOR EXTENSION OF TIME  
TO FILE INITIAL BRIEF OF APPELLANT AND  
DESIGNATION OF MATTER TO BE INCLUDED IN RECORD ON APPEAL

---

TO THE COURT OF APPEALS:

Pursuant to South Carolina Appellate Court Rule 263, the Appellant, Flint Equipment Co., ("Flint") Third-Party Defendant, files this its second Motion for an Extension of Time to File Initial Brief of Appellant and Designation of Matter to Be Included in Record on Appeal.

Pursuant to Order of the Court filed June 23, 2014, Appellant's initial brief and designation of matter is to scheduled to be filed and served by July 23, 2014. Counsel for Appellant hereby moves for an additional thirty (30) day extension of time to file based upon the following grounds:

The Appellant has employed C. Frederic Marcinak, III of Smith Moore Leatherwood, LLP to serve as its counsel for the purposes of this appeal. Therefore, a Motion is for the Substitution of Counsel to relieve William Joseph Moore, Jr. as Counsel and to substitute C. Frederic Marcinak, III of Smith, Moore, Leatherwood as the new Counsel of Record is filed contemporaneously with this motion. As Mr. Marcinak has only recently been employed, he needs additional time to review the pleadings and transcripts and to file the Appellant's Initial Brief and Designation of Matter.

This Motion for Extension to File is not sought for delay but so that justice may be done. The undersigned has conferred with Respondent's Counsel, who has consented to the extension of time for an additional 30 days, as well as the Withdrawal and Substitution of Counsel.

**PRAYER FOR RELIEF**

For the reasons set forth above, Appellant respectfully requests that the Court grant this Motion to Extend Time to File Appellant's Initial Brief and Designation of Matter.

July 22, 2014  
Columbia, SC



---

William Joseph Moore, Esq.  
Gertz & Moore, LLP  
1416 Laurel Street  
Columbia, SC 29202  
(803) 252-1524



---

C. Frederic Marcinak, III  
Smith Moore Leatherwood, LLP  
2 West Washington Street, Suite 1100  
Greenville, SC 29601  
(864) 751-7691

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Edward W. Miller, Circuit Court Judge

---

Appellate Case No. 2013-002435  
Trial Court Case No. 2011CP2307943

---

John Deere Financial, f.s.b. FPC Financial, Plaintiff,  
v.  
Jerry A. Bruce, Defendant/Third-Party Plaintiff.....Respondent,

v.  
Flint Equipment Co., Third-Party Defendant.....Appellant.

---

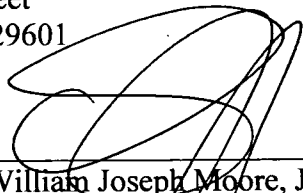
CERTIFICATE OF SERVICE BY MAIL

---

I hereby certify that a copy of the within Appellant's Motion for Extension of Time To File Initial Brief of Appellant and Designation of Matter to be Included in Record on Appeal was duly served upon the following on July 22, 2014 with first class postage duly affixed and a return address clearly indicated on the envelope by depositing said papers in the United States Mail, Columbia, South Carolina, addressed as follows:

O. W. Bannister, Esq.  
401 Pettigru Street  
Greenville, SC 29601

July 22, 2014  
Columbia, South Carolina

  
\_\_\_\_\_  
William Joseph Moore, Jr.  
Attorney for Appellant

**Gertz & Moore, LLP**  
Attorneys and Counselors at Law  
1416 Laurel Street (29201)  
Post Office Box 456  
Columbia, South Carolina 29202

Frederick A. Gertz  
(S.C., N.Y. & Ga)  
W. Joseph Moore, Jr.

Telephone (803) 252-1524  
Telecopier (803) 799-6946

July 22, 2014

Phong T. Nguyen

HAND DELIVERED

The Honorable Tanya A. Gee  
Clerk, South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, SC 29201

Alice S. Moore  
1946-2012  
**RECEIVED**

JUL 22 2014

**SC Court of Appeals**

RE: Motion to Withdraw and Substitute Counsel and  
Motion for Extension of Time to File Initial Brief of Appellant and Designation of  
Material to be Included in Record on Appeal  
Appeal From Greenville County Court of Common Pleas  
Jerry A. Bruce, Respondent vs. Flint Equipment Co., Appellant  
Appellate Case No.: 2013-002435

Dear Madam Clerk:

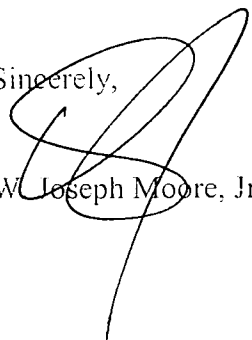
Enclosed please find the original and six (6) copies of the following motions for filing in  
the above referenced matter:

1. Petition to Withdraw and to Substitute Counsel together with a proposed order  
and our check in the amount of Twenty Five and No/100 (\$25.00) dollars for the  
filing fee.
2. Motion for Extension of Time to File Initial Brief of Appellant and Designation  
of Matter to be Included in Record on Appeal together with our check in the  
amount of Twenty Five and No/100 (\$25.00) dollars for the filing fee.

By copy of this letter I am serving the enclosed motion on counsel for the Respondent as  
noted on the Certificate of Service.

Thanking you in advance for your considerate attention to this matter, I am

Sincerely,

  
W. Joseph Moore, Jr.

cc: O. W. Bannister, Esquire