

3

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Edward W. Miller, Circuit Court Judge

Case No. 2008-CP-23-05739

73673

RECEIVED

SEP 26 2014

SC Court of Appeals

Andrew P. (Andy) Ballard, Respondent,

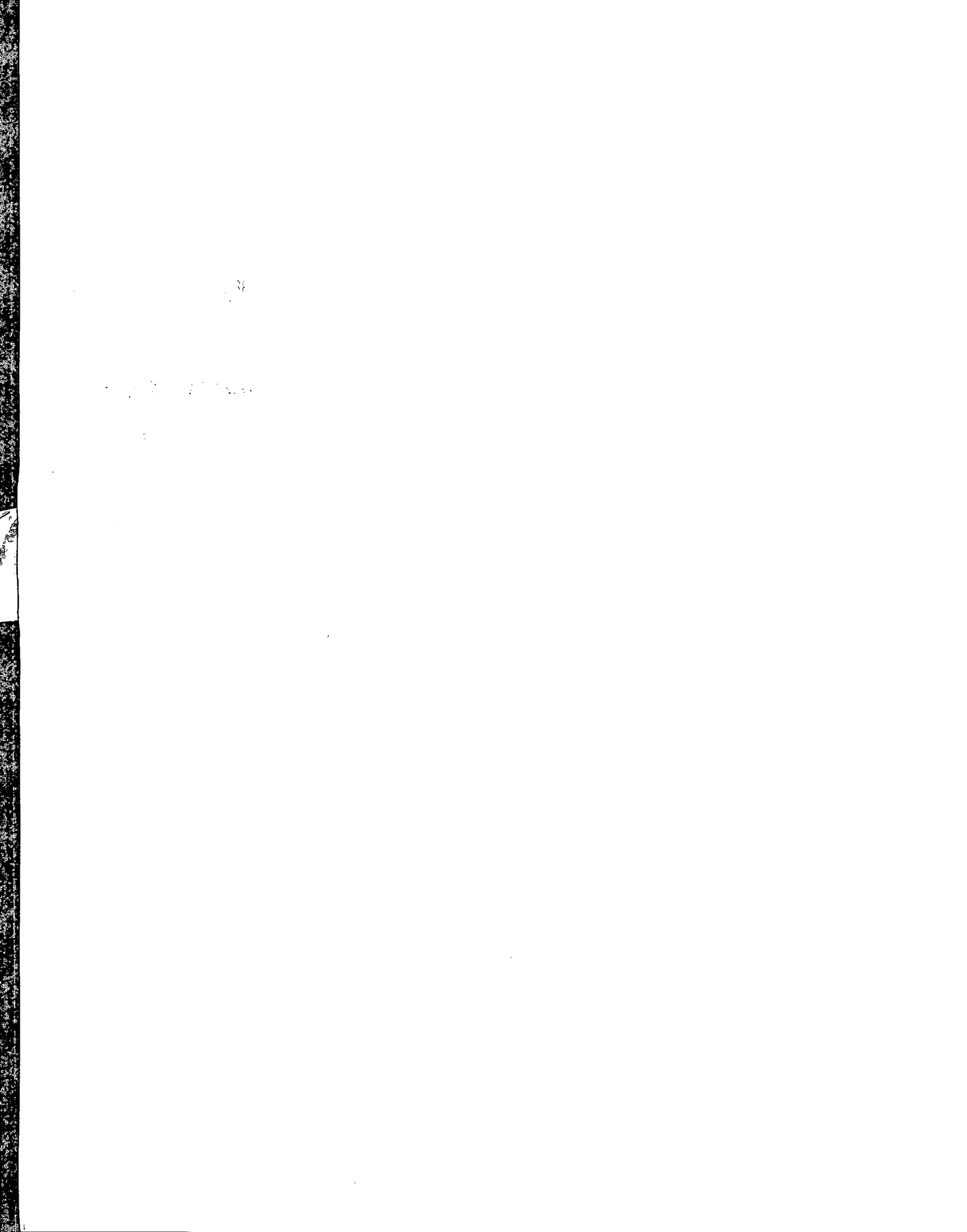
v.

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

**MOTION FOR EXTENSION OF TIME TO SUBMIT APPELLANTS' INITIAL
REPLY BRIEF AND DESIGNATION OF MATTER TO BE INCLUDED IN THE
RECORD ON APPEAL**

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, the Appellants, Tim Roberson, Rick Thoennes, Rick Thoennes, III and Warpath Development, Inc. request that the time to serve and file their Initial Reply Brief and Designation of Matter to be Included in the Record on Appeal in accordance with Rule 208(a)(1) of the South Carolina Appellate Court Rules, be extended until October 17, 2014. Appellant's Reply Brief is currently due on October 1, 2014. On August 8, 2014 the parties entered into a settlement agreement ("Agreement"). The Agreement provides that the Respondent shall have 60-days in which to conduct due diligence and, before the expiration of such period,


10/1/14



may withdraw from the settlement under certain conditions. Respondent's due diligence period will not expire until October 7, 2014. Appellant's request the extension in order to avoid the cost and expense of the reply brief while the settlement is pending.

In light of the foregoing, Appellants request that the Court issue an order granting an extension of time to file their Initial Reply Brief and Designation of Matter to be Included in the Record on Appeal until October 17, 2014.

Respectfully submitted,



Joshua L. Howard, Esquire
HAYNSWORTH SINKLER BOYD, P.A.
ONE North Main Street
2nd Floor
P.O. Box 2048
Greenville, SC 29602
(864) 240-3202

September 25, 2014
Greenville, South Carolina

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Edward W. Miller, Circuit Court Judge

Case No. 2008-CP-23-05739

RECEIVED

SEP 26 2014

SC Court of Appeals

Andrew P. (Andy) Ballard, Respondent,

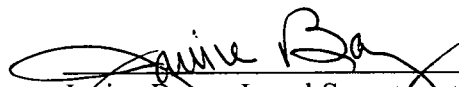
v.

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 Extension of Time to Submit Appellants' Initial Reply Brief and Designation of Matter to be Included in the Record on Appeal* was served upon all counsel of record on this the 25th day of September, 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.
ONE North Main Street, 2nd Floor (29601)
P.O. Box 2048
Greenville, SC 29602
Phone: (864) 240-3223/Fax: (864) 240-3300

GREENVILLE

CHARLESTON

COLUMBIA

FLORENCE

Haynsworth
Sinkler Boyd, P.A.

ATTORNEYS AND COUNSELORS AT LAW

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

JOSHUAL L. HOWARD, ESQ.
DIRECT DIAL NUMBER 864.240.3202
EMAIL jhoward@hsblawfirm.com

September 25, 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
Appellate Case No. 2013-002790

Dear Ms. Kitchings:


Please find enclosed the original and seven copies of *Appellants' Motion for Extension of Time to Submit Appellants' Initial Reply Brief and Designation of Matter to be Included in the Record on Appeal, 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 K. Lightsey, Esquire

RECEIVED
SEP 26 2014
SC Court of Appeals