

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

The Honorable Charles B. Simmons, Jr., Special Circuit Judge

RECEIVED

2014-CP-23-4895

DEC 08 2014

SC Court of Appeals

74417

Lewallen Automation and ASAG, LLC, Respondents,

v.

Michael Lewallen and Everworks, LLC, Defendants,

Of whom Michael Lewallen is the Appellant.

CONSENT MOTION FOR EXTENSION OF TIME TO FILE RESPONDENTS' INITIAL BRIEF AND DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

Pursuant to the Court's order dated November 26, 2014, Respondents' current deadline to file and serve their Initial Respondents' Brief and accompanying Designation of Matter to be Included in the Record on Appeal is December 11, 2014. In that order, the deadline was extended 10 days at the request of the Respondents.

Pursuant to Rule 263(b), SCACR, Respondents respectfully move for a second ten (10) day extension of time in which to file these materials, making them due on December 22, 2014. The purpose is the extension is that there is a hearing scheduled in this matter on December 11, 2014 that may render the appeal moot.

Counsel for the Appellant has graciously consented to this request. In the meantime, Respondents ask that the current deadline for filing these materials be stayed pending resolution of this request.

Respectfully submitted,

HAYNSWORTH SINKLER BOYD, P.A.

Denny P. Major by Elizabeth H. Black
Chris Gantt-Sorenson, S.C. Bar No. 63998 with express
Sarah P. Spruill, S.C. Bar No. 68337 permission
Denny P. Major, S.C. Bar No. 74907
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Attorneys for the Respondents
Lewallen Automation and ASAG, LLC

December 8, 2014

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PROOF OF SERVICE

I hereby certify that the *Consent Motion for Extension of Time to File Respondents' Initial Brief and Designation of Matter to be Included in Record on Appeal*, in the above-referenced matter was served on the following counsel of record via U.S. Mail, postage prepaid, on this the 8th day of December, 2014.

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Attorneys for the Respondents

Lewallen Automation and ASAG, LLC

December 8, 2014

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

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SC Court of Appeals

Re: Lewallen Automation, LLC and ASAG, LLC v. Michael Lewallen and Everworks, LLC
Court of Appeals Case No. 2014-002246
Trial Court Case No. 2014-CP-23-4895
HSB File No.: 36669.0005

Dear Ms. Kitchings:

Enclosed for filing, please find an original and seven (7) copies of the *Consent Motion for Extension of Time to File Respondents' Initial Brief and Designation of Matter to be Included in Record on Appeal* in the above-reference matter, together with our Certificate of Service of same. Also enclosed is this firm's check in the amount of \$25 to cover the fee for filing. Please return clocked copies to me via my courier.

Thank you for your assistance.

Very truly yours,

HAYNSWORTH SINKLER BOYD, P.A.

Denny P. Major by *Elizabeth H. Black*
Denny P. Major with express permission

DPM/jmb
Enclosures

cc: Brian P. Murphy, Esq. (Via E-Mail and U.S. Mail)
Ralph Gleaton, Esq. (Via E-Mail and U.S. Mail)