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THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

Maite D. Murphy, Circuit Court Judge

CASE NO.: 2015-002024

**RECEIVED**

JUL 14 2016

**SC Court of Appeals**

Innovative Waste Management Inc., Crest Energy Partners,  
LP, Edward Girardeau, Plaintiffs, Of Whom,

Innovative Waste Management, Inc. is the Appellant,

v.

Crest Energy Partners, GP, LLC, Dunhill Products GP,  
LLC, Henry Wuertz, Innovative Waste Management, Inc.,  
Crest Energy Partners LP, Dunhill Products LP, Edward H.  
Girardeau, C. Russ Lloyd, Defendants, Of Whom,

Crest Energy Partners GP, LLC, Crest Energy Partners LP,  
Dunhill Products, LP, Henry Wuertz, and Edward H.  
Girardeau are the Respondents.

RESPONDENTS' MOTION TO FILE FINAL BRIEF OUT OF TIME

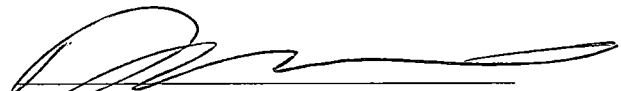
Respondents Crest Energy Partners GP, LLC, Crest Energy Partners LP, Dunhill  
Products, LP, Henry Wuertz, and Edward H. Girardeau hereby move this Honorable  
Court, pursuant to Rule 263(b), SCACR, for permission to file Respondents' Final Brief  
out of time. In support of this Motion, Appellants respectfully aver before the Court as  
follows:

The Record on Appeal was originally due on May 15, 2016. On May 19, 2016, Appellants moved to file the Record out of time, which was granted. The Record was actually filed on June 13, 2016. In the process of preparing Respondent's Final Brief for filing, the undersigned noted that he had had apparently confused the 20 day period contained in Rule 210(a), SCACR, with the twenty day period contained in Rule 211(a), SCACR.

The undersigned regrets this error, but submits that it was made in good faith and was a result of excusable neglect emanating from the re-calendarng required by the delay in filing the Record. Respondents submit to the Court that the error was rectified immediately upon discovery by the filing of this Motion and the Final Brief. Further, it does not appear from the Court's Public Access that Appellants have filed their Final Briefs at this time. Accordingly, Respondents submit that there is good cause to allow the filing of Respondents' Final Brief out of time.

For the reasons stated herein, Respondents respectfully request that this Honorable Court GRANT this motion, and allow Respondents permission to file their Final Brief out of time.

RESPECTFULLY SUBMITTED:



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ATTORNEY FOR THE APPELLANTS

Charleston, South Carolina  
April 23, 2016

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

Maite D. Murphy, Circuit Court Judge

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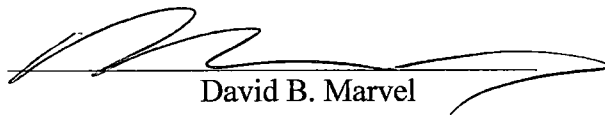
Crest Energy Partners, GP, LLC, Dunhill Products GP,  
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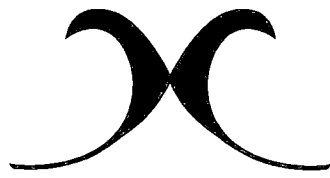
Crest Energy Partners GP, LLC, Crest Energy Partners LP,  
Dunhill Products, LP, Henry Wuertz, and Edward H.  
Girardeau are the Respondents.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this Thirteenth day of July, 2016, I served appellants' counsel with Respondent's Motion to File out of Time by mailing a copy to their counsel, fill in, by U.S. Mail, postage prepaid, at the following address:

Wm. Michael Gruenloh  
Gruenloh Law Firm, LLC  
192 East Bay St., Suite 202  
Charleston, South Carolina 29401

  
David B. Marvel



## DAVID B. MARVEL

Attorney at Law • Proctor in Admiralty  
Certified Civil and Federal Court Mediator  
Admitted to Practice in South Carolina and Georgia

[www.marvel.lawyer](http://www.marvel.lawyer)

June 13, 2016

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JUL 14 2016

SC Court of Appeals

**VIA FEDERAL EXPRESS**

Jenny Abbott Kitchings, Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

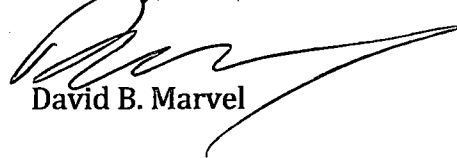
Re: Innovative Waste Management v. Crest Energy Partners GP, LLC  
Case No. 2015-002024

Dear Ms. Kitchings,

I hope this letter finds you well. I have enclosed one Original (unbound) copy of Respondents' Final Brief in this matter, along with fifteen bound copies and my Certificate of Counsel. I have also enclosed a Motion to File out of Time. Please return one clocked copy of the bound brief and motion in the pre-paid FedEx envelope provided.

Thank you, as always, for your assistance with this matter. If you have any questions, comments, or concerns, please do not hesitate to contact me at any time. With best regards, I remain

Sincerely,



David B. Marvel

/DBM

Enclosures

Cc: Wm. Michael Gruenloh  
Fritz Jekel

