

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. 2017-001551
Lower Court Case No. 2008-CP-23-5739

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AUG 07 2017

SC Court of Appeals

Andrew P. Ballard, Respondent,

v.

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

Of Whom Rick Thoennes, III, is the Appellant.

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

Pursuant to Rules 240 and 263, SCACR, Appellant Rick Thoennes, III, respectfully moves for an extension of thirty (30) days to file the Appellant's initial brief and designation of matter to be included in the record on appeal. Counsel for Appellant received the transcript of record prior on or about June 19, 2017 prior to service of Appellant's notice of appeal on July 14, 2017. Therefore, the deadline for service and filings Appellant's initial brief and designation of matter to be included in the record on appeal is currently Monday, August 14, 2017.

If the Court should grant Appellant's request for an extension of time, the new deadline for the applicable filings would be Wednesday, September 13, 2017. Counsel for Appellant has consulted with counsel for the Respondent who advised that he does not object to the granting of

the thirty (30) day extension. This requested extension is not intended to hinder, delay, or prejudice the judicial proceedings.

August 3, 2017

R. Hudson Smith

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R. Hudson Smith (SC Bar # 101369)
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Attorneys for Appellant Rick Thoennes, III

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Defendants,

Of Whom Rick Thoennes, III, is the Appellant.

I certify that I have served the Motion for Extension of Time to File Initial Brief of Appellant and Designation of Matter to be Included in the Record on Appeal on the Respondent Andrew P. Ballard by depositing a copy of same in the United States Mail, postage prepaid, on the 3rd day of August, 2017, addressed to their attorneys of record as follows:

Wallace K. Lightsey (S.C. Bar No. 6476)
William M. Wilson, III (S.C. Bar No. 15808)
Amos A. Workman (S.C. Bar No. 6231)
Wyche, P.A.
44 Camperdown Way
Greenville, SC 29601

Attorneys for Respondent Andrew P. Ballard

Signature Page Follows

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August 3, 2017

Jenny Abbott Kitchings
The South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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SC Court of Appeals

*Re: Andrew P. Ballard vs. Tim Roberson, Rick Thoennes, Rick Thoennes, III, and
Warpath Development, Inc.,
C. A. No. 2008-CP-23-05739
Appellate Case No: 2017-001551*

Dear Ms. Kitchings:

Enclosed please find an original and six (6) copies of appellant's motion for extension of time to file initial brief and designation of matter to be included in the record on appeal in the above-referenced matter, along with proof of service of the same. We would appreciate your filing the original and returning a filed copy to us in the envelope provided.

If we may provide you with any additional information, please do not hesitate to call or email.

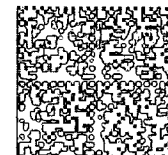
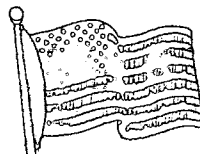
Sincerely,

ELLER TONNSEN BACH, LLC

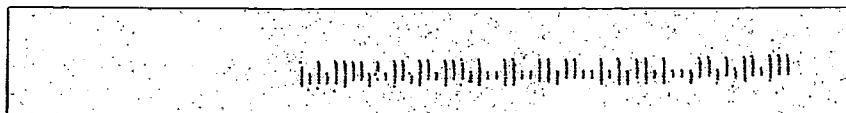
for Adam C. Bach

ACB/amp
Enclosure

cc: Attorneys for Respondents:
Wallace K. Lightsey
William M. Wilson, III
Amos A. Workman



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