

①

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

RECEIVED

SEP 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**

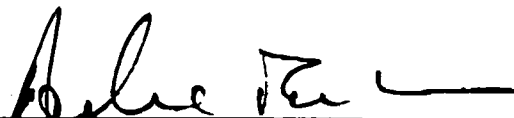
Pursuant to Rules 240 and 263, SCACR, Appellant Rick Thoennes, III, respectfully moves for an extension of fifteen (15) days to file the Appellant's initial brief and designation of matter to be included in the record on appeal. On August 11, 2017, the Court granted Appellant's first request for an extension of time and set the time for serving and filing Appellant's initial brief and designation of matter until September 13, 2017.

Appellant respectfully requests this extension of time as counsel for Appellant is currently scheduled to appear before the Court for oral argument on a separate case that same day on 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 fifteen (15) day extension. If the Court should

✓

grant Appellant's request for an extension of time, the new deadline for the applicable filings would be Thursday, September 28, 2017. This requested extension is not intended to hinder, delay, or prejudice the judicial proceedings.

September 7, 2017



---

Adam C. Bach (SC Bar # 74885)  
R. Hudson Smith (SC Bar # 101369)  
ELLER TONNSEN BACH, LLC  
1306 South Church Street  
Greenville, SC 29605  
Telephone: (864) 236-5013  
Facsimile: (864) 312-4191  
*abach@etblawfirm.com*  
*hsmith@etblawfirm.com*

Attorneys for Appellant Rick Thoennes, III

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

RECEIVED

SEP 07 2017

SC Court of Appeals

Andrew P. Ballard, Respondent,

v.

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

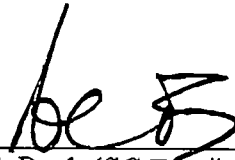
Of Whom Rick Thoennes, III, is the Appellant.

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 7th day of September, 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*



---

Adam C. Bach (SC Bar # 74885)  
R. Hudson Smith (SC Bar # 101369)  
ELLER TONNSEN BACH, LLC  
1306 South Church Street  
Greenville, SC 29605  
Telephone: (864) 236-5013  
Facsimile: (864) 312-4191  
*abach@etblawfirm.com*  
*hsmith@etblawfirm.com*

Attorneys for Appellant Rick Thoennes, III



ELLER TONNSEN BACH  
*Attorneys at Law*

Adam C. Bach  
*Licensed in South Carolina and North Carolina*  
abach@etblawfirm.com

1306 South Church Street  
Greenville, SC 29605  
Telephone (864) 236-5013  
Facsimile (864) 312-4191

RECEIVED

September 7, 2017

SEP 07 2017

SC Court of Appeals

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

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

Dear Ms. Kitchings:

Enclosed please find the 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 our firm's check in the amount of \$25.00 for the filing fee and proof of service of the same.

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

Sincerely,

ELLER TONNSEN BACH, LLC

Adam C. Bach

ACB/amp

Enclosures

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



# ELLER TONNSEN BACH

*Attorneys at Law*

1306 South Church Street • Greenville, South Carolina, 29605

Date: *September 7, 2017*

Deliver To: *Stormie*

Firm/Company: *The South Carolina Court of Appeals*

Phone:

Fax: **(803) 734-1839**

From: *Amy M. Price*

Phone: *864-236-5013*

Fax: *864-312-4191*

**RECEIVED**

SEP 07 2017

SC Court of Appeals

Total Pages Including Cover: 6

Fax

Urgent	Reply ASAP	Please Comment	Please Review	For Your Information
--------	------------	----------------	---------------	----------------------

**RE: Andrew P. Ballard vs. Tim Roberson, Rick Thoennes, Rick Thoennes, III, and Warpath Development, Inc.**

**Appellate Case No.: 2017-001551**

**C. A. No. 2008-CP-23-05739**

*Best regards,  
Amy M. Price*

This facsimile message is privileged and confidential. It is intended solely for the use of the individual named above. If you are not the intended recipient, or the person responsible to deliver it to the intended recipient, you are hereby advised that any dissemination, distribution or copying of this communication is prohibited. If you have received this facsimile message in error, please immediately notify the sender by telephone and return the original message to the sender by U.S. Mail.

If you do not receive all pages or if any transmission is not legible, please telephone (864) 236-5013 immediately.