

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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JAN 15 2019

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

S.C. SUPREME COURT

D. Garrison Hill, Circuit Court Judge

Opinion No. 2018-UP-078 (S.C. Ct. App. Filed Feb. 7, 2018)

DAVID WILSON, INDIVIDUALLY AND DERIVATIVELY ON BEHALF OF
CAROLINA CUSTOM CONVERTING, LLC,..... Plaintiff,

v.

JOHN GANDIS, ANDREA COMEAU-SHIRLEY, ZOI FILMS, LLC, AND
CAROLINA CUSTOM CONVERTING, LLC,..... Defendants,

JOHN GANDIS AND ANDREA COMEAU-SHIRLEY, Third-Party Plaintiffs,

v.

CAROLINA CUSTOM CONVERTING, LLC,
..... Third-Party Defendant and Counterclaim Plaintiff,

v.

DAVE WILSON, STEVE NORVELL, NEOLOGIC DISTRIBUTION, INC. AND
FRESH WATER SYSTEMS, INC.,

Of Whom David Wilson, Neologic Distribution, Inc., and Fresh Water
Systems, Inc., are the Respondents,

and

JOHN GANDIS, ANDREA COMEAU-SHIRLEY, AND CAROLINA CUSTOM
CONVERTING, LLC, are the..... Petitioners.

MOTION BY PETITIONERS JOHN GANDIS AND ANDREA COMEAU-SHIRLEY
FOR EXTENSION OF TIME TO FILE REPLY BRIEF

D. Randle Moody, III
John W. Sulau
JACKSON LEWIS P.C.
15 South Main Street, Suite 700
Greenville, South Carolina 29601
*Attorneys for Petitioners John Gandis and
Andrea Comeau-Shirley*

Other Counsel of Record:

W. Andrew Arnold
Bruce B. Campbell
Horton Law Firm
307 Pettigru Street
Greenville, SC 29601
Counsel for Wilson, Norvell, and Neologic

Burl F. Williams
Nexsen Pruet, LLC
P.O. Box 10648
Greenville, SC 29603
*Counsel for Carolina Custom Converting,
LLC
Distribution, Inc.*

Petitioners John Gandis and Andrea Comeau-Shirley (“Petitioners”), by and through their attorneys of record, respectfully move for an extension of time of ten (10) days up to and including January 28, 2019, to file and serve their reply brief in support of their appeal. In support of this Motion, Petitioners state as follows:

1. The Court granted certiorari in this matter on November 9, 2018. Accordingly, Petitioners’ brief was due December 10, 2018. *See* Rule 242(i), SCACR.

2. Petitioners timely filed their brief on December 7, 2018.

3. Carolina Custom Converting, LLC (“CCC”), which was also granted certiorari on November 9, 2018, moved for an extension of time for all petitioners to file their briefs up to and including December 17, 2018. The Court granted that motion on December 6, 2018. Petitioners did not require that extension of time, however.

4. CCC filed its brief on December 17, 2018. Therefore, Respondent David Wilson’s (“Wilson”) deadline to file a brief in response to CCC’s brief is January 16, 2019. *Id.* Then, CCC will have ten (10) days to file a reply brief, until January 28, 2019. *Id.*

5. On January 7, 2019, Wilson filed a brief in response to Petitioners’ brief. Accordingly, Petitioners’ reply brief is due on or before January 17, 2019. *Id.*

6. Wilson’s response brief is 43 pages long and includes numerous detailed, fact-intensive arguments that require undersigned counsel to confer extensively with Petitioners to prepare, file, and serve Petitioners’ reply brief.

7. As such, pursuant to the Court’s July 16, 2014 Order concerning extensions of time in cases filed under Rule 242 of the South Carolina Appellate Court Rules (“the Order”), Petitioners respectfully move for a ten-day extension of time up to

and including January 28, 2019, to file their reply brief in support of their appeal.

8. Petitioners have not required any of the 20 days' worth of extensions of time that the Order establishes may be had upon good cause shown. Although Petitioners and CCC were granted an extension of time of seven (7) days to file their briefs, Petitioners did not require that extension.

9. Further, if the extension of time requested herein is granted, Petitioners' reply brief will be due on the same date as CCC's reply brief. Thus, the requested extension will not delay proceedings in this matter.

10. Petitioners take seriously their obligations to timely litigate their appeal, and make this Motion for good cause, not for purpose of delay.

WHEREFORE Petitioners respectfully request that the Court grant this Motion and extend their deadline to file a reply brief in support of their appeal by ten (10) days, up to and including January 28, 2019.

Respectfully submitted this 14th day of January 2019.



D. Handle Moody, III

John W. Sulau

JACKSON LEWIS P.C.

15 South Main Street, Suite 700

Greenville, South Carolina 29601

*Attorneys for Petitioners John Gandis and
Andrea Comeau-Shirley*

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CUSTOM CONVERTING, LLC, Defendants,

JOHN GANDIS AND ANDREA COMEAU-SHIRLEY, Third-Party Plaintiffs,

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CAROLINA CUSTOM CONVERTING, LLC,
..... Third-Party Defendant and Counterclaim Plaintiff,

v.

DAVE WILSON, STEVE NORVELL, NEOLOGIC DISTRIBUTION, INC. AND FRESH
WATER SYSTEMS, INC.,

Of Whom David Wilson, Neologic Distribution, Inc., and Fresh Water Systems,
Inc., are the..... Respondents,

and

JOHN GANDIS, ANDREA COMEAU-SHIRLEY, AND CAROLINA CUSTOM
CONVERTING, LLC, are the..... Petitioners.


CERTIFICATE OF SERVICE

I certify that I have served the Motion by Petitioners John Gandis and Andrea
Comeau-Shirley for Extension of Time to File Reply Brief this 14th day of January 2019 on
counsel for Wilson and counsel for CCC in the underlying action by depositing the same in the
United States Mail, first class postage prepaid, as follows:

W. Andrew Arnold
Bruce B. Campbell
Horton Law Firm
307 Pettigru Street
Greenville, SC 29601
Counsel for Wilson

Burl F. Williams
Nexsen Pruet, LLC
P.O. Box 10648
Greenville, SC 29603

Counsel for Carolina Custom Converting, LLC



D. Randle Moody, III
John W. Sulau
JACKSON LEWIS P.C.
15 South Main Street, Suite 700
Greenville, South Carolina 29601
*Attorneys for Petitioners John Gandis and Andrea
Comeau-Shirley*
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