

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

Maité D. Murphy, Circuit Court Judge

Case No. 2019-001719

**RECEIVED**

**Aug 20 2020**

**SC Court of Appeals**

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

Innovative Waste Management, Inc. is the Respondent.

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, and Henry Wuertz, are the Appellants.

Request for Extension of Time to Submit Initial Brief and Designation of Matter

COMES NOW RESPONDENT, Innovative Waste Management Inc., through undersigned counsel and respectfully requests the Court of Appeals grant a 30 day extension to file its Initial Brief and Designation of Matter. This appeal originates from an October 1, 2019 Order for Sanctions pursuant to Rule 37 of South Carolina Rule of Civil Procedure. On October 9, 2019 Appellants filed their Notice of Appeal stating they sought

to appeal the October 1, 2019 Order. Appellants did not serve Respondent with a hard copy of their Notice of Appeal as required by S.C.A.C.R. 208 but only served their Notice of Appeal by electronic means in the Circuit Court e-filing system. In addition, Appellants did not order transcripts within the prescribed time and failed to remedy the situation upon notification by the Deputy Clerk of Court. On November 21, 2019, the Deputy Clerk of Court issued an Order dismissing the Appeal in accordance with S.C.A.C.R. 207. On November 26, 2019, Appellants filed a Motion to Reinstate the Appeal pursuant South Carolina Appellate Court Rule 260(a) and that Motion was granted on February 21, 2020.

The Court provided Appellants an additional 30 days to serve their Initial Brief and Designation of Matter. On March 20, 2020, Appellants' Counsel again requested additional time to file Appellants' Initial Brief; that request was granted on March 25, 2020 extending the deadline to file to April 13, 2020. On April 9, 2020, Appellants again requested an extension of time and the Court issued another extension until April 27, 2020. Appellants failed to file their Initial Brief or make a request for an extension by April 27, 2020. On May 6, 2020 Appellants filed their Motion for Enlargement of Time which included as an exhibit Appellant's proposed Initial Brief. Appellants did not serve Respondent with a hard copy of their Initial Brief or Designation of Matter as required by S.C.A.C.R. 208.<sup>1</sup>

Respondent filed its Return to Appellants' Motion and also filed a Motion to Dismiss on May 11, 2020. On July 23, 2020 the Court of Appeals, denied Respondent's Motion to Dismiss and accepted Appellant's Initial Brief and Designation of Matter. The

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<sup>1</sup> Appellants certified that Respondent had been sent a hard copy of their Initial Brief and Designation of Matters but Respondent did not receive a hard copy until Respondent's Counsel requested it. Respondent received a hard copy of Appellants' Initial Brief and Designation on August 11, 2020. Respondent admittedly had access to Appellants' Initial Brief and Designation because Appellants included the brief as an exhibit with its May 6<sup>th</sup> request for extension. However, the failure to serve Respondent pursuant to S.C.A.C.R. 208 caused confusion and lost time.

Court set the deadline for Respondent's Initial Brief and Designation of Matter as August 22, 2020.

Appellants filed a forty-seven page brief raising a myriad of issues, some of which appear to be beyond the scope of their Notice of Appeal, and making reference to a variety of Orders going back to 2013. Due to the sheer volume of Appellants' arguments and the confusion created by Appellants' failure to properly serve their Initial Brief and Designation of Matter, Respondent requests a 30 day extension to file its Initial Brief and Designation of Matter. Appellants have had the benefit of numerous extensions, encompassing 8 months of delay, and have presumably been working on their forty-seven page Initial Brief during that time period. Respondent requires additional time to be able to fully respond to the issues raised by Appellants.

In light of these facts, granting Respondent an additional 30 days to file its Initial Brief is justified.

*(Signature Block on following Page)*

*s/Wm.M.Gruenloh*

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Date: August 20, 2020  
Charleston, South Carolina

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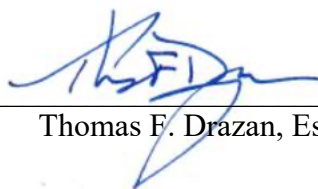
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Crest Energy Partners GP, LLC, Crest Energy Partners LP, Dunhill Products LP, and Henry Wuertz, are the Appellants.

PROOF OF SERVICE

The undersigned hereby certified that on the 20<sup>th</sup> day of August, 2020, Counsel for the Appellants were served with the Respondent's Request for an Extension of Time via electronic mail due to the COVID-19 crisis.



Thomas F. Drazan, Esquire