

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM Horry COUNTY
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

RECEIVED
DEC 29 2020
SC Court of Appeals

Appellate Case No. 2020-000407
Case No. 2017-CP-26-03008

Douglas Kelsey.....Plaintiff,

v.

House of Blues Myrtle Beach Restaurant Corporation;
HOB Entertainment, Inc.; and Travis Scott Wagoner.....Defendants.

AND

House of Blues Myrtle Beach Restaurant CorporationThird-Party Plaintiff,

v.

Throttlefest, LLC; American Outlaw Spirits Incorporated;
Full Throttle LLC; and Full Throttle Sloon Shine, LLC.....Third-Party Defendants.

of which House of Blues Myrtle Beach Restaurant Corporation is the Appellant and Throttlefest, LLC, American Outlaw Spirits Incorporated, Full Throttle LLC, and Full Throttle Sloon Shine, LLC are the Respondents.

APPELLANT’S MOTION TO FILE INITIAL BRIEFS OUT OF TIME

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, Appellant House of Blues Myrtle Beach Restaurant Corporation, moves this Honorable Court to accept the Initial Briefs of Appellant out of time. The Initial Briefs of Appellant are being filed simultaneously with the instant motion.

Pursuant to the Order granting Appellant's prior request for an extension to file its initial briefs, the Initial Briefs were due to be filed on Friday, December 18, 2020. When preparing the briefs for filing on Friday, Appellant's counsel discovered that additional revisions needed to be made in order for the briefs to fully comply with the Appellate Court Rules. Appellant's counsel also had a personal obligation on the afternoon of December 18, 2020. Thus, Appellant's counsel wrote to counsel for Respondents and inquired if there would be any opposition to our filing the briefs, along with instant motion, on Monday, December 21, 2020. Counsel for Respondents both indicated that there was no opposition.

Accordingly, in light of the lack of opposition from Respondents and the simultaneous filing of Appellant's initial-briefs herewith, Appellant respectfully requests that its Motion to File Initial Briefs Out of Time be granted.

[SIGNATURE PAGE TO FOLLOW]

Respectfully submitted,
COLLINS & LACY, P.C.

By: s/Christian Stegmaier
CHRISTIAN STEGMAIER
SC Bar No. 68648
cstegmaier@collinsandlacy.com
AMY L. NEUSCHAFER
SC Bar No. 73922
aneuschafer@collinsandlacy.com
LAURA R. BAER
SC Bar No. 101076
lbaer@collinsandlacy.com
1330 Lady Street, Sixth Floor (29201)
Post Office Box 12487
Columbia, South Carolina 29211
(803) 256-2660 (main)
(803) 771-4484 (facsimile)

ATTORNEYS FOR APPELLANT HOUSE OF
BLUES MYRTLE BEACH RESTAURANT
CORPORATION

**APPELLANT'S MOTION TO FILE INITIAL
BRIEFS OUT OF TIME**

Columbia, South Carolina
December 21, 2020

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of which House of Blues Myrtle Beach Restaurant Corporation is the Appellant and Throttlefest, LLC, American Outlaw Spirits Incorporated, Full Throttle LLC, and Full Throttle Sloon Shine, LLC are the Respondents.

CERTIFICATE OF SERVICE

I certify that I have served APPELLANT’S MOTION TO FILE INITIAL BRIEFS OUT OF TIME by e-mailing a copy of same on this 21st day of December, 2020, to the following e-mail addresses on record in the SC Attorney Information Search:

COUNSEL SERVED:

M. Dawes Cooke, Jr., Esquire
mdc@barnwell-whaley.com
Jeffrey M. Bogdan, Esquire
jbogdan@barnwell-whaley.com
Barnwell Whaley Patterson & Helms, LLC
P. O. Drawer H
Charleston, SC 29402-0197
Counsel for Respondent Throttlefest, LLC

Brian C. Duffy, Esquire
bduffy@duffyandyoung.com
Kara Shea Grevey, Esquire
kgrevey@duffyandyoung.com
Duffy & Young, LLC
96 Broad Street
Charleston, SC 29401
*Counsel for Respondents American Outlaw
Spirits Incorporated; Full Throttle, L.L.C.;
and Full Throttle Sloon Shine, LLC*

COLLINS & LACY, P.C.

By: *s/Christian Stegmaier*
CHRISTIAN STEGMAIER
SC Bar No. 68648
cstegmaier@collinsandlacy.com
AMY L. NEUSCHAFER
SC Bar No. 73922
aneuschafer@collinsandlacy.com
LAURA R. BAER
SC Bar No. 101076
lbaer@collinsandlacy.com
1330 Lady Street, Sixth Floor (29201)
Post Office Box 12487
Columbia, South Carolina 29211
(803) 256-2660 (main)
(803) 771-4484 (facsimile)

ATTORNEYS FOR APPELLANT HOUSE OF
BLUES MYRTLE BEACH RESTAURANT
CORPORATION

CERTIFICATE OF SERVICE

Columbia, South Carolina
December 21, 2020



Christian Stegmaier | D: 803.255.0454 | E: cstegmaier@collinsandlacy.com

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SC Court of Appeals

December 21, 2020

VIA U.S. MAIL AND EMAIL

The Honorable Jenny A. Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201
ctappfilings@sccourts.org

***Re: Douglas Kelsey v. House of Blues Myrtle Beach Restaurant Corporation, HOB Entertainment, Inc., and Travis Scott Wagoner; House of Blues Myrtle Beach Restaurant Corporation v. Throttlefest LLC, American Outlaw Spirits Incorporated, Full Throttle, L.L.C., and Full Throttle Sloon Shine, LLC
Appellate Case No. 2020-000407
Claim No. 188372477-001-GL
C&L File No. 001133-00111***

Dear Ms. Kitchings:

Please find enclosed for filing are the following:

1. Appellant's Motion to File Initial Briefs Out-of-Time, together with our firm's check in the amount of \$50.00 for the filing fee;
2. Initial Brief of Appellant (as to Respondents American Outlaw Spirits Incorporated, Full Throttle, LLC, and Full Throttle Sloon Shine, LLC) with Proof of Service of same;
3. Initial Brief of Appellant (as to Respondent Throttlefest, LLC) with Proof of Service of same; and
4. Designation of Matter.

Pursuant to the Supreme Court's Amended Order "re: Operation of the Appellate Courts During the Coronavirus Emergency" (2020-05-29-02, Appellate Case No. 2020-000447), we have not included any additional copies. If any additional copies are required, please let us know.

By copy of this letter and enclosures, we are serving same on counsel.

The Honorable Jenny A. Kitchings
December 21, 2020
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Thank you for your time and attention. Should you have any questions or concerns, please do not hesitate to contact us.

Respectfully,

s/Christian Stegmaier

Christian Stegmaier

CS/net
Encl.

The Honorable Jenny A. Kitchings

December 21, 2020

Page 3

cc (via U.S. Mail and email):

M. Dawes Cooke, Jr., Esquire

Jeffrey M. Bogdan, Esquire

Brian C. Duffy, Esquire

Kara Shea Grevey, Esquire

Hastler
12/21/2020
US POSTAGE \$007.50
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Collins & Lacy
ATTORNEYS AT LAW

1330 Lady Street, Sixth Floor (29201) Post Office Box 12487 | Columbia, SC 29211

The Honorable Jenny A. Kitchings
South Carolina Court of Appeals
Post Office Box 11620
Columbia, SC 29211

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