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**Apr 07 2021**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM HORRY COUNTY  
In the Court of Common Pleas for the Fifteenth Judicial Circuit  
Hon. Benjamin H. Culbertson, Circuit Court Judge

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Appellate Case No. 2020-000407

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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 Corporation ..... Third-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 is the Respondent.

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**CONSENT MOTION FOR EXTENSION OF TIME TO FILE INITIAL BRIEF AND  
DESIGNATION OF MATTER OF RESPONDENT THROTTLEFEST, LLC**

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*Counsel for Respondent*

**COMES NOW** Respondent Throttlefest, LLC (“Respondent”), by and through its undersigned counsel, and hereby move the Court to grant it a thirty-day extension of time to file Respondent’s Initial Brief and Designation of Matter to be Included in the Record on Appeal (“Designation”), pursuant to Rule 240 of the South Carolina Rules of Appellate Procedure.

After two extensions, and after the Court ordered Appellant to file a consolidated Initial Brief, Appellant filed its consolidated Initial Brief on March 15, 2021. Respondent’s current deadline to file its Initial Brief and Designation is April 15, 2021. With the requested 30-day extension, Respondent’s deadline to file its Initial Brief and Designation will be May 17, 2021. This is Respondent’s first request for an extension of time to file its Initial Brief in response to Appellant’s consolidated Initial Brief.<sup>1</sup>

As grounds for this Motion, Respondent’s counsel cite their present workload and the need for additional time to finalize their Initial Brief and Designation. Appellant House of Blues Myrtle Beach Restaurant Corporation and Respondents American Outlaw Spirits Incorporated, Full Throttle, LLC and Full Throttle Sloop Shine, LLC consent to this request.

Respectfully submitted,

April 7, 2021

BARNWELL WHALEY PATTERSON &  
HELMS, LLC

By: 

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***Counsel for Respondent***

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<sup>1</sup> After Appellant filed separate Initial Briefs, but before this Court issued its Order requiring Appellant to file a consolidated Initial Brief, Respondent requested an extension to file their Initial Brief. This request, however, was rendered moot by this Court’s Order requiring Appellant to file a consolidated Initial Brief.

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Sloon Shine, LLC ..... Third-Party Defendants,

of which House of Blues Myrtle Beach Restaurant Corporation is the Appellant  
and Throttlefest, LLC is the Respondent.

**PROOF OF SERVICE**

I certify that on the 7 day of April 2021, I have served the Consent Motion for Extension of Time to File Initial Brief and Designation of Matter of Respondent Throttlefest, LLC on Appellant and all other parties, pursuant to the Order of Supreme Court Appellate Case No. 2020-000447(g)(3), at the respective e-mail addresses for their attorneys of record, as follows:


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*Attorney for Respondents American Outlaw Spirits Incorporated, Full Throttle, LLC,  
and Full Throttle Sloon Shine, LLC*

April 7, 2021

BARNWELL WHALEY PATTERSON &  
HELMS, LLC

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