ELECTRONICALLY FILED - 2026 Sep 28 9:03 AM - GREENVILLE - COMMON PLEAS - CASE#2025CP2304210

State of South Carolina, County of Greenville
In the Court of Common Pleas, Thirteenth Judicial Circuit

Frank George Rogers, individually and derivatively as a member and on behalf of Exodus Aircraft, LLC, Plaintiffs, vs. Joshua Brett Kimbrell, Liliya Shcherba Robertson Kimbrell, Exodus Airways, LLC, Thomas Blake Whitaker, Defendants.	Case No. 2025-CP-23-04210 Order Granting Plaintiff's Motion for Default

This matter comes before the court on Plaintiff's Motion for Default. Rule 37(b)(2)(C) and Rule 55, SCRCP. For the reasons cited herein, the motion is granted.

The Court heard Plaintiffs' Motion to Compel Discovery April 23, 2026. On May 5, 2026, the Court issued an order granting the motion and requiring Defendants Joshua Brett Kimbrell and Liliya Shcherba Robertson Kimbrell (Defendants) to fully comply with their discovery obligations by noon May 18, 2026. If they failed to comply by the deadline, the Defendants' answer, defenses, and counterclaims were to be struck as a matter of law. As instructed in the order, Plaintiff filed an affidavit notifying the court Defendants failed to comply.

As of noon May 18, 2026, Defendants failed to fully comply with their discovery obligations as outlined in Affidavit of William Walter Walkins, III filed on June 4, 2026. Moreover, Defendants tacitly admitted they had not fully responded to the outstanding discovery as evidenced by their filing a Motion for Extension of Time on May 22, 2026, four days after the responses were due. Thus, as a matter of law, the Defendants' answer, defenses, and counterclaims were struck.

FITSNEWS

For the foregoing reasons, Plaintiff's motion for entry of default is **GRANTED.** The undersigned is not retaining jurisdiction. If Plaintiffs file a motion for default judgment, such motion may be heard by any judge.

Electronic Signature Page Follows

FITSNEWS

ELECTRONICALLY FILED - 2026 Sep 28 9:03 AM - GREENVILLE - COMMON PLEAS - CASE#2025CP2304210

ELECTRONICALLY FILED - 2026 Sep 28 9:03 AM - GREENVILLE - COMMON PLEAS - CASE#2025CP2304210

Greenville Common Pleas

Case Caption:	Frank George Rogers , plaintiff, et al vs. Joshua Brett Kimbrell , defendant, et al
Case Number:	2025CP2304210
Type:	Order/Default

It is so ordered.

s/ Jane H. Merrill

FITSNEWS