

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 Dismissing Defendant's
Motion for Extension of Time

This matter came before the court on Defendants Joshua Brett Kimbrell and Liliya Shcherba Robertson Kimbrell's (Defendants) Motion for Extension of Time pursuant to Rule 6(b) of the SCRCPP. On April 23, 2026, the Court heard Plaintiff's Motion to Compel Discovery and issued its order May 5, 2026. This order required Defendants to respond to Plaintiff's discovery requests on or before noon May 18, 2026. On May 22, 2026, Defendant filed a Motion for Extension of Time requesting an extension to respond until May 28, 2026.

In South Carolina, a motion is moot when judgment, if entered, would have "no practical legal effect upon the existing controversy." *S.C. Pub. Interest Found. v. SCDOT*, 421 S.C. 110, 121, 804 S.E.2d 854, 860 (2017) (citing *Sloan v. Greenville Cnty.*, 380 S.C. 528, 535, 670 S.E.2d 663, 667 (Ct. App. 2009).

In this case, Defendants filed their Motion for Extension of Time four days after the deadline set by the Order. Moreover, Defendants did not serve a copy of the motion on the undersigned until after the requested extended deadline of May 28, 2026. Therefore, any order on this motion would have no practical effect. Defendants' motion is moot and dismissed.

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Greenville Common Pleas

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

It is so ordered.

s/ Jane H. Merrill
