

THE STATE OF SOUTH CAROLINA
In The SC Court of Appeals

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Sep 15 2022

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Bentley Price, Circuit Court Judge

Case No. 2017-CP-10-05246
Appellate Case No. 2022-001187

GARY KEISLER, INDIVIDUALLY AND AS
CLASS REPRESENTATIVE, JOHN DOES
(1-50) AND JANE DOES (1-50),

Respondents

v.

JOHN WIELAND HOMES AND
NEIGHBORHOODS OF THE CAROLINAS,
INC., as successor by statutory merger to
JOHN WIELAND HOMES AND NEIGHBORHOODS
OF SOUTH CAROLINA, INC., et al.

Defendants

RP FALCON PROPERTIES, LLC (f/k/a JW HOMES,
LLC); RP FALCON LAND, LLC (f/k/a JW LAND
INVESTMENT, LLC); RP FALCON REALTY, LLC
(f/k/a WIELAND REALTY, LLC); RESIDENTIAL
PARTNERS, LLC,

Appellants

v.

COY-CY CONSTRUCTION, EVANS ENTERPRISES,
IML CONSTRUCTION, LLC, AND MARCUS
BUILT, LLC.

Third-Party Defendants

MOTION FOR EXTENSION OF TIME AS TO APPELLANTS' INITIAL BRIEF

Pursuant to South Carolina Appellate Court Rules, Appellants, RP Falcon Properties, LLC (formerly known as JW Homes, LLC); RP Falcon Land, LLC (formerly known as JW Land Investment, LLC); RP Falcon Realty, LLC (formerly known as Wieland Realty, LLC); Residential Partners, LLC; and WS JWH, LLC (collectively “RP Companies” and hereinafter “Appellants”), by and through counsel, respectfully move for an Order extending the time for Appellants to serve and file their Initial Brief. The transcript of the hearing that is the subject of the instant appeal was ordered and received prior to filing the appeal. Therefore, Appellants’ deadline to file its Initial Brief is September 23, 2022. Appellants seek to extend the deadline by thirty-one (31) days to October 24, 2022.

Appellants are preparing their Initial Brief and seek an extension of time to ensure that their brief is adequately researched and prepared. There are numerous issues of law and fact which Appellants must address, and Appellants do not seek this extension for undue delay or any improper purpose. If granted, this would be the first extension of time granted to Appellants.

For all of these reasons, Appellants respectfully ask the Court to grant them until October 24, 2022, to serve and file their Initial Brief.

s/ Blake A. McKie
Brian C. Duffy (SC I.D. No. 16247)
Blake A. McKie (SC I.D. No. 80198)
DUFFY & YOUNG, LLC
96 Broad Street
Charleston, SC 29401
(843) 720-2044

and

Thomas C. Hildebrand, Jr. (SC I.D. No. 2501)
William Greyson Land (SC I.D. No. 104179)
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200 Meeting Street, Suite 301
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Attorneys for Appellants

September 15, 2022
Charleston, South Carolina

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v.

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PROOF OF SERVICE

I hereby certify that on the 15th day of September, 2022, I have served the **MOTION FOR EXTENSION OF TIME AS TO APPELLANTS' INITIAL BRIEF** on counsel for all parties via email pursuant to Appellate Case No. 2020-000447 (d)(1) to the following addresses:

<p>John C. Hayes, IV, Esquire Nina E. Meola, Esq. Hayes Law Firm, LLC PO Box 22497 Charleston, SC 29413 jhayes@hayeslaw.org nmeola@hayeslaw.org Attorneys for Gary Keisler, et al.</p>	<p>I. Keith McCarty, Esq. McCarty Law Firm, PC 768 St. Andrews Blvd. Charleston, SC 29407 ikeithmccarty@gmail.com Attorneys for Gary Keisler, et al.</p>
<p>Chris Adams, Esquire James L. Williams, Esquire Collins & Lacy, PC PO Box 12487 Columbia, SC 29211 cadams@collinsandlacy.com jwilliams@collinsandlacy.com Attorneys for Jeorge Medina, Jeorge Medina a/k/a JMC Construction, Inc., a/k/a JMC Construction, LLC and All Exteriors Construction, LLC</p>	<p>Stephen P. Hughes, Esquire Howell, Gibson & Hughes, PA PO Box 40 Beaufort, SC 29901 Sphughes@ghgpa.com Attorneys for Builders FirstSource-Southeast Group, LLC</p>
<p>Jason A. Daigle, Esquire Clement Rivers, LLP PO Box 993 Charleston, SC 29402 jdaigle@ycrlaw.com Attorneys for Daniel L. Rogers d/b/a Rogers Roofing Co., Inc., n/k/a Dan Rogers Roofing, LLC</p>	<p>Kevin W. Mims, Esquire W. Chase McNair, Esquire Luzuriaga Mims, LLP 50 Immigration Street, Suite 200 Charleston, SC 29403 kmims@lmlawllp.com cmcnair@lmlawllp.com Attorneys for AC Construction, Inc.</p>
<p>Theodore L. Manos, Esquire Robertson Hollingsworth, et al. 550 King Street, Suite 300 Charleston, SC 29403 tlm@roblaw.net Attorneys for Wieland Defendants and Scott Parker, Doug Pilcher and Michael Cassidy and Neighborhood Management Associates, Inc.</p>	<p>Ian W. Freeman, Esquire Walker Gressett Freeman and Linton 66 Hassell Street Charleston, SC 29401 freeman@wgflaw.com Attorney for John Wieland and Middlesex Holdings, LLC</p>

<p>James Saxton, Esquire Gordon Rees Scully Mansukhani LLP 40 Calhoun Street, Suite 350 Charleston, SC 29401 jsaxton@grsm.com <i>Attorneys for Paul Vasquez</i></p>	<p>Stephen L. Brown, Esquire Clement Rivers, LLP 25 Calhoun Street, Suite 400 Charleston, SC 29402 sbrown@yrlaw.com <i>Attorneys for New Construction Drywall Hanger, LLC f/k/a New Construction Drywall Hanger, Inc.</i></p>
<p>C. Clay Olson, Esquire Gordon Rees Scully Mansukhani LLP 40 Calhoun Street, Suite 350 Charleston, SC 29401 colson@grsm.com <i>Attorneys for Marcus Built</i></p>	<p>Robert C. Calamari, Esquire Donna O. Tillis, Esquire Nelson Mullins Riley & Scarborough LLP PO Box 3939 Myrtle Beach, SC 29578 Bob.calamari@nelsonmullins.com Donna.tillis@nelsonmullins.com <i>Attorneys for YKK (USA) Inc</i></p>
<p>Philip Cristaldi, Esquire Jeff Ross, Esquire Ross & Cristaldi, LLC 863 Coleman Blvd., Ste. B Mt. Pleasant, SC 29464 pcristaldi@rclawsc.com jross@rclawsc.com <i>Attorneys for Builders FirstSource-Southeast Group, LLC</i></p>	<p>Arthur C. Pelzer, Esquire Pelzer Law Firm LLC 266 Meeting Street Charleston, SC 29401 arthur@pelzerlawfirm.com <i>Attorneys for IML Construction LLC</i></p>

s/ Blake A. McKie
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ATTORNEYS AT LAW

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VIA U.S. MAIL & EMAIL

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211
ctappfilings@sccourts.org

RE: Gary Keisler, Individually and as Class Representative, et al. v.
RP Falcon Properties, LLC, et al.
Case No. 2017-CP-10-5246
Appellate Case No. 2022-001187

Dear Ms. Kitchings:

Enclosed please find a Motion for Extension of Time as to Appellants' Initial Brief and Proof of Service of same in connection with the above-captioned matter. Also enclosed is a check in the amount of \$50.00 for the filing fee.

By copy of this letter to all counsel of record, we are serving them with a copy of the Motion and Proof of Service.

Very truly yours,



Blake A. McKie

BAM/jvp

Enclosures

cc (w/Enclosures via email): All counsel of record