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Dec 19 2022
SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

Civil Action No.: 2009-CP-37-0652

Appellate Case No. 2022-001581

Paul W. Hund, III, Joan W. Davenport, Michael Furnari, Donna Furnari, Jessy B. Grasso, Nancy E. Grasso, Robert P. Hayes, Lucy H. Hayes, Ty Hix, Jennifer D. Hix, Ruth E. Isaac, Michael D. Plourde, Mary Lou Plourde, Carol C. Pope, Steven B. Taylor, Bette J. Taylor, Robert White, Stoneledge at Lake Keowee Owners' Association, Inc., Respondents

v.

IMK Development Co., LLC, Marick Home Builders, LLC, and Rick Thoennes, Defendants,
Of whom Marick Home Builders, LLC and Rick Thoennes are Appellants.

**MOTION TO STAY APPEAL AND
ALL APPLICABLE FILING DEADLINES**

Appellants Marick Home Builders, LLC, and Rick Thoennes, pursuant to Rule 240, SCACR, move this Honorable Court for a stay of all deadlines applicable to the subject appeal, to include the deadlines for the filing of its Initial Brief and Designation of Matter for Record. This request is due to the Respondents' recent filing of Motion to Certify Case for Review by the South Carolina Supreme Court, wherein Respondents seek not only for the South Carolina Supreme Court to take up this matter, but also to dismiss the appeal in its entirety. Respectfully,

Appellants believe that this relief is consistent with the interests of justice and will not work any undue prejudice upon Respondents.

WHEREFORE, Appellants move this Honorable Court to grant this Motion to Stay Appeal and All Applicable Filing Deadlines. Appellants' Counsel consulted with counsel for the Respondents regarding this motion, and Respondents' Counsel has consented to the relief requested in this Motion.

Respectfully submitted,

By: s/ Stacey P. Canaday

Stacey P. Canaday (SC Bar No. 68805)

Erin D. Dean (SC Bar No. 65320)

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Attorneys for Appellants Marick Home Builders, LLC and Rick Thoennes

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Beaufort, South Carolina

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IMK Development Co., LLC, Marick Home Builders, LLC, and Rick Thoennes, Defendants,

Of whom Marick Home Builders, LLC and Rick Thoennes are Appellants.

PROOF OF SERVICE

The undersigned, Stacey P. Canaday of Tupper Grimsley Dean & Canaday, PA, Attorney for Appellants *Marick Home Builders, LLC, and Rick Thoennes*, hereby avers that on the 19th day of December 2022, a true and accurate copy of this **Motion to Stay Appeal and All Applicable Filing Deadlines** was served via electronic mail using the email addresses listed in the Attorney Information System as follows:

Mr. Robert T. Lyles, Jr.
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Attorney for Appellants Marick Home Builders, LLC and Rick Thoennes

December 19, 2022

Beaufort, South Carolina



TUPPER, GRIMSLEY, DEAN & CANADAY

ATTORNEYS AT LAW

December 19, 2022

VIA EMAIL and US MAIL

J. Abbot Kitchings
S.C. Court of Appeals Clerk of Court
PO Box 11629
Columbia, SC 29211
ctappfilings@sccourts.org

RE: Stoneledge at Lake Keowee Owners' Association, Inc., et al. vs. Marick Home Builders, LLC, et al.
Civil Action No.: 2009-CP-37-0652
Our File No.: 600.1382

Dear Ms. Kitchings:

Please find enclosed for filing our Motion for to Stay Appeal and All Applicable Filing Deadlines, regarding the above-referenced matter. Also enclosed is our firm's check in the amount of \$50.00 to cover the requisite filing fee.

Should you have any questions, please feel free to contact me. If I am unavailable, please ask to speak with my paralegal, Xiomara Ingram.

Very truly yours,

Stacey P. Canaday

SPC/xmi

Enclosure

cc: All Counsel of Record (via email only)