

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

**Dec 28 2022**

APPEAL FROM YORK COUNTY  
Court of Common Pleas

**SC Court of Appeals**

William A. McKinnon, Circuit Court Judge

Case No. 2020-CP-46-03592

Summerlake Townhomes Homeowners Association, Inc. and Susan Hagy and Karin Fuentes, individually and on behalf of all others similarly situated, Respondents,

v.

True Homes, LLC; Carolina Development Services, LLC; Summerlake Properties, LLC; RJB Legacy Company f/k/a Barefoot & Company; BMC East, LLC; Airtron, Inc.; MPK Grading and Erosion Control; LLC; Southend Exteriors, LLC; McGee Brothers Company, Inc.; Alpha Omega Construction Group, Inc; Pender-Pettus Insulating, Inc.; Charlotte Lanehart Electric Company, Inc.; C&C Plumbing, Inc.; Associated Materials, LLC a/k/a Alside, Inc., T&A Excavating, LLC; Callahan Excavating, LLC a/k/a Callahan Grading & Hauling, Inc. a/k/a Callahan Grading, LLC, AHR Construction, Inc.; JJS Commercial Construction, Inc.; CDJ Construction, Inc.; Jimenez Contractors, LLC; J. Cov Roofing, LLC; Ayalas Window Installations, LLC; Atlanta Flooring Design Centers, Inc.; Pedro DeJesus Lopez d/b/a PJJ Construction; and Pedro Villareal-Conception d/b/a CVP Construction, Defendants,

Of which True Homes, LLC, is the Appellant.

RESPONSE TO RESPONDENT’S MOTION TO  
STRIKE APPELLANT’S INITIAL BRIEF,  
REQUIRE FILING OF CORRECTED INITIAL  
BRIEF, AND EXTEND THE TIME FOR  
RESPONDENT’S INITIAL BRIEF

Respondent Karin Fuentes filed a Motion to Strike Appellant’s Initial Brief, Require Filing of a Corrected Initial Brief, and Extend the Time for Respondent’s Initial Brief (“Respondent’s

Motion”) on December 27, 2022. In Respondent’s Motion, Respondent indicated “[w]ithout reference to specific line and page numbers, Respondent is unable to assess and respond to Appellant’s assertions that portions of the record support Appellant’s position.” Respondent’s Motion at 2. Appellant has served, herewith, an Amended Initial Brief which provides all record citations. Accordingly, those aspects of Respondent’s Motion requesting this court strike Appellant’s Initial Brief or require the filing of an amended brief are moot.

While Appellant does not object to an extension of time for Respondent to file its Initial Brief, it is improper to base such a request on Respondent’s inability to assess Appellant’s positions. The citations contained in Appellant’s Initial Brief are the same citations contained in the motions and legal memoranda provided to the circuit court. Accordingly, Respondent can point to no prejudice from the form of the citations contained in Appellant’s Initial Brief. Additionally, had Respondent’s counsel requested the relief contained within Respondent’s Motion at any point since Appellant’s Initial Brief was served on October 24, 2022, Appellant would have been happy to provide the same Amended Initial Brief. Accordingly, Appellant requests this Court deny Respondent’s Motion to the extent it seeks an extension of time to file Respondent’s Initial Brief due to the form of Appellant’s Initial Brief.

s/ Joshua R. Hinson

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