

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Feb 09 2023

SC Court of Appeals

Appeal from Charleston County
Court of Common Pleas

Jennifer B. McCoy, Circuit Court Judge

Case No. 2015-CP-10-00955
Appellate Case No. 2019-001520

Palmetto Pointe at Peas Island Condominium Property
Owners Association, Inc. and Jack Love, individually, and on
behalf of all others similarly situated,

Appellants,

v.

Island Pointe, LLC, Complete Building Corporation, Tri-
County Roofing, Inc., WC Services, Inc., Miracle Siding,
LLC and Wilson Lucas Sales d/b/a Miracle Siding, LLC,
Eloy Alonzo Vasquez, JMC Construction, Inc., and JMC
Construction, LLC,

Defendants,

Of which WC Services, Inc. is the

Respondent.

**APPELLANTS' SECOND MOTION FOR EXTENSION OF TIME
TO PETITION FOR REHEARING**

Justin O. Lucey (SC Bar No. 15438)
Joshua F. Evans (SC Bar No. 77448)
Sohayla R. Townes (SC Bar No. 102814)
Stephanie D. Drawdy (SC Bar No. 70205)
JUSTIN O'TOOLE LUCEY, P.A.
415 Mill Street
Mt. Pleasant, South Carolina 29464
P.O. Box 806 (29465)
(843) 849-8400

Attorneys for Appellants

Edward D. Buckley, Jr. (SC Bar No. 994)
Russell G. Hines (SC Bar No. 72100)
CLEMENT RIVERS, LLP
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
(843) 724-5446

Attorneys for Appellants

NOW COME Appellants, Palmetto Pointe at Peas Island Condominium Property Owners Association, Inc., and Jack Love, individually and on behalf of all others similarly situated, by and through their undersigned counsel, pursuant to Rule 263(b), SCACR, and move for a second extension of fifteen (15) days' time to file/serve a petition for rehearing of this matter, which the Court decided via opinion filed January 11, 2023.

Rule 221(a), SCACR, provides, "Petitions for rehearing must be actually received by the appellate court no later than fifteen (15) days after the filing of the opinion, order, judgment, or decree of the court." Based on the January 11, 2023, filing of the Court's opinion in this case, the original deadline to petition for rehearing was the close of business on Thursday, January 26, 2023, which, in accordance with Rule 263(a), SCACR (regarding computation of time), was the 15th day after the opinion's filing.

Because of work-related and other time commitments, by motion filed/served (and actually received by the Court prior to the close of business on) January 26, 2023, the undersigned previously requested the Court's allowance of a first extension of fifteen (15) days' time to petition for rehearing, i.e., an extension of time through tomorrow, Friday, February 10, 2023. To the best of the undersigned's knowledge, the Court has not yet acted on this (Appellants' first) motion for an extension of time to petition for rehearing.

Now, again because of work-related and other time commitments, the undersigned requests the Court's allowance of a second extension of fifteen (15) days' time to petition for rehearing, i.e., an extension of time through Monday, February 27, 2023.¹

Respectfully, the undersigned again submits there is good cause for the Court to grant the relief requested herein, as it is, under the circumstances, a reasonable dispensation, timely sought, consistent with the interests of justice, posing no threat of undue prejudice to any other party.

WHEREFORE, Appellants request that the Court grant them a second extension of 15 days' time to petition for rehearing. As explained, by the undersigned's calculations, the granting of this relief would make the new deadline to petition for rehearing Monday, February 27, 2023. ADDITIONALLY, for the same reasons set forth in support of the within request for an extension of time, Appellants request that the Court hold the present deadline for petitioning for rehearing in abeyance until the Court acts on this motion.

<SIGNED ON THE FOLLOWING PAGE>

¹ Calculating the 15-day period (from tomorrow, Friday, February 10, 2023) in accordance with Rule 263(a), SCACR, it runs through Monday, February 27, 2023, because the 15th day (Saturday, February 25, 2023) falls on the weekend.

Respectfully submitted,

By: s/Russell G. Hines

Justin O. Lucey (SC Bar No. 15438)

Joshua F. Evans (SC Bar No. 77448)

Sohayla R. Townes (SC Bar No. 102814)

Stephanie D. Drawdy (SC Bar No. 70205)

JUSTIN O'TOOLE LUCEY, P.A.

415 Mill Street

Mt. Pleasant, South Carolina 29464

P.O. Box 806 (29465)

(843) 849-8400

and

Edward D. Buckley, Jr. (SC Bar No. 994)

Russell G. Hines (SC Bar No. 72100)

CLEMENT RIVERS, LLP

25 Calhoun Street, Suite 400

Charleston, South Carolina 29401

P.O. Box 993 (29402)

(843) 724-5446

Attorneys for Appellants

Charleston, South Carolina

February 9, 2023

**THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT**

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SC Court of Appeals

Appeal from Charleston County
Court of Common Pleas

Jennifer B. McCoy, Circuit Court Judge

Case No. 2015-CP-10-00955
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PROOF OF SERVICE

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JUSTIN O'TOOLE LUCEY, P.A.
415 Mill Street
Mt. Pleasant, South Carolina 29464
P.O. Box 806 (29465)
(843) 849-8400

Attorneys for Appellants

Edward D. Buckley, Jr. (SC Bar No. 994)
Russell G. Hines (SC Bar No. 72100)
CLEMENT RIVERS, LLP
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
(843) 724-5446

Attorneys for Appellants

I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Appellants, hereby certify that **APPELLANTS' SECOND MOTION FOR EXTENSION OF TIME TO PETITION FOR REHEARING** was served on all other parties to this appeal on February 9, 2023, via email (see attached) to their following counsel of record:

James A. Atkins, Esquire
CLAWSON & STAUBES, LLC
jatkins@clawsonandstaubes.com

*Attorneys for Respondent
WC Services, Inc.*

Respectfully submitted,

By: s/Russell G. Hines
Russell G. Hines (SC Bar No. 72100)
CLEMENT RIVERS, LLP
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
(843) 724-5446
Attorneys for Appellants

Charleston, South Carolina

February 9, 2023

From: [Hines, Russell](#)
To: ["jatkings@clawsonandstaubes.com"](#)
Cc: [Jean-Charles, Alice](#); ["jzambriczki@lucey-law.com"](#); ["lweiland@lucey-law.com"](#); ["sdrawdy@aol.com"](#); [Bell, Pollyana \(Polly\)](#); ["sohayla.townes@gmail.com"](#); [Buckley, Edward D. \(Ed\)](#); ["jlucey@lucey-law.com"](#); ["jevans@lucey-law.com"](#); ["sdrawdy@lucey-law.com"](#); ["stownes@lucey-law.com"](#); [Justman, Aimee](#)
Subject: Palmetto Pointe v. Island Pointe (2019-001520) -- Appellants" Second Motion for Extension of Time to Petition for Rehearing
Date: Thursday, February 9, 2023 2:11:36 PM
Attachments: [image001.png](#)
[Palmetto Pointe v. Island Pointe \(2019-001520\) -- Appellants" 2d Mot. for Ext. of Time re PRH.pdf](#)

Attached please find **Appellants' Second Motion for Extension of Time to Petition for Rehearing** in the above-referenced matter.

Russell G. Hines
CLEMENT RIVERS, LLP
www.ycrlaw.com
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
Phone: (843) 720-5488
Fax: (843) 579-1327
Email: rhines@ycrlaw.com



CLEMENT RIVERS, LLP
25 Calhoun Street • Suite 400 • Charleston, SC 29401
ycrlaw.com