

**RECEIVED**

**Feb 27 2023**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA  
IN THE 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' THIRD MOTION FOR EXTENSION OF TIME  
TO PETITION FOR REHEARING**

---

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\**

---

\* Additional attorneys for Appellants are identified on the following page.

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

*-and-*

Stephanie D. Drawdy (SC Bar No. 70205)  
JUSTIN O'TOOLE LUCEY, P.A.  
615 Boone Hill Road  
Summerville, South Carolina 29483  
(917) 364-2122

*Additional 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 third 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 15<sup>th</sup> day after the opinion's filing.

Because of work-related and other time commitments, the undersigned has timely sought and twice been granted a 15-day extension of time to file/serve Appellants' petition for rehearing, the most recent of which, granted by this Court's order dated February 10, 2023, extended the deadline to today, Monday, February 27, 2023.

This appeal is not, however, the only appeal before this Court arising out of the above-captioned lawsuit. Besides the instant appeal (i.e., Appellate Case No.

2019-001520), there is also Appellate Case No. 2019-001790, wherein Tri-County Roofing, Inc., is the appellant and the instant Appellants are the respondents (the “TCR Appeal”).

This Court recently heard oral argument in the TCR Appeal on February 14, 2023, and at the conclusion of the argument, the Court graciously inquired, *sua sponte*, whether the parties would like it to refrain from deciding the appeal to allow them time to attempt to resolve the matter via mediation. Taking the Court up on this offer, the parties to the TCR Appeal have scheduled a mediation for next week, on March 10, 2023.

While the mediation scheduled for March 10, 2023, will not involve WCS directly, it does relate to this case, and the result of that mediation stands to impact attempt Appellants’ decision making in terms of whether they continue to pursue the instant matter with WCS.

Accordingly, the undersigned requests the Court’s allowance of one more extension of fifteen (15) days’ time to petition for rehearing, i.e., an extension of time through Tuesday, March, 14, 2023, which extension, if granted, will allow Appellants to proceed with mediating the TCR Appeal on March 10, 2023, before any petition for rehearing is due in the instant appeal.

Respectfully, the undersigned again submits that 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 and judicial economy, posing no threat of undue prejudice to any other party.

WHEREFORE, Appellants request that the Court grant them another 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 Tuesday, March 14, 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>**

Respectfully submitted,

By: s/Edward D. Buckley, Jr.  
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

*-and*

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

*-and-*

Stephanie D. Drawdy (SC Bar No. 70205)  
JUSTIN O'TOOLE LUCEY, P.A.  
615 Boone Hill Road  
Summerville, South Carolina 29483  
(917) 364-2122

*Attorneys for Appellants*

Charleston, South Carolina

February 27, 2023

**RECEIVED**

**Feb 27 2023**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA  
IN THE 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.

**PROOF OF SERVICE**

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\**

---

\* Additional attorneys for Appellants are identified on the following page.

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

*-and-*

Stephanie D. Drawdy (SC Bar No. 70205)  
JUSTIN O'TOOLE LUCEY, P.A.  
615 Boone Hill Road  
Summerville, South Carolina 29483  
(917) 364-2122

*Additional Attorneys for Appellants*

I, Russell G. Hines, of Clement Rivers, LLP, counsel for Appellants, certify that **APPELLANTS' THIRD MOTION FOR EXTENSION OF TIME TO PETITION FOR REHEARING** was served on the other party to this appeal on February 27, 2023, via email (see attached) to its counsel of record:

James A. Atkins, Esquire  
CLAWSON AND STAUBES, LLC  
[jatkins@clawsonandstaubes.com](mailto:jatkins@clawsonandstaubes.com)

*Attorneys for Respondent*

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 27, 2023

**From:** [Hines, Russell](#)  
**To:** ["jatkings@clawsonandstaubes.com"](#)  
**Cc:** [Jean-Charles, Alice](#); ["jzambiczki@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" Third Motion for Extension of Time to Petition for Rehearing  
**Date:** Monday, February 27, 2023 3:55:33 PM  
**Attachments:** [image001.png](#)  
[Palmetto Pointe POA v. WSC \(2019-001520\) -- Appellants" 3d Mot. for Ext. of Time re PRH.pdf](#)

---

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

Russell G. Hines  
CLEMENT RIVERS, LLP  
[www.ycrlaw.com](http://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](mailto:rhines@ycrlaw.com)



**CLEMENT RIVERS, LLP**  
25 Calhoun Street • Suite 400 • Charleston, SC 29401  
[ycrlaw.com](http://ycrlaw.com)