

98798

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Keith Kelly, Circuit Court Judge

Appellate Case No. 2023-000542

Case No. 2020-CP-10-03931

RECEIVED

MAY 05 2023

SC Court of Appeals

Royal Palms Property Owners Association, Inc.,

Respondent,

v.

Alpha Prime LLC, Alpha Prime Construction LLC, Sagehorn And Company Inc., Royal Palms Holding LLC, Lennar Carolinas LLC, Alpha Omega Construction Group, Inc., Valmar Nunes, individually, Bruza Construction LLC, Simons Construction Company, LLC, Cesar E Desouza a/k/a Cesar Desouza, individually, Raul Martinez Masonry LLC, Mark Wolverton, individually, DVS, Inc., Carolina Foundation, Inc., CEBS Construction, LLC a/k/a CEBS Custom Homes, LLC, Archer Exteriors, Inc., JAS Construction Services, LLC, Henry Palmer, individually and d/b/a Palmer's Construction Services, LLC, Angelo De Souza, individually and d/b/a Sunrise Siding, LLC, WW Pereira Construction, LLC, GC General Construction, LLC, Siding Construction, LLC, Builders Firstsource - Southeast Group, LLC, Associated Materials Incorporated a/k/a and d/b/a Alside; Cohen's Drywall Company, Inc.; Guaranteed Framing, LLC; Hurley Services, LLC; Sunrise Windows And Doors, LLC; Pereira Construction, LLC; Della Putti Construction; J. Plitz Construction, LLC; CMAC Construction, LLC; Henry's Construction & Trucking, Inc.; Charlotte Mechanical, LLC; Ethridge Electric Co., LLC; Builders Insulation of North Carolina, LLC a/k/a City Wide Insulation of Madison, Inc. a/b/a Builders' Insulation; Tradition Builders, Inc.; Heaven Woodworks, Inc.; Bishop & Sons Plumbing & Piping, Inc.; Arteaga Roofing, LLC; Melinda Amador; James Bayles; Blanca Christina Lopez a/k/a Blanca Christina Chaves; Flavio Morales; Daniel Leon Ramos; Juan Garza Ramos; Fidel Morales; and City Wide Insulation of Madison, Inc. d/b/a Builders Insulation; Defendants

Of which Lennar Carolinas, LLC is the Appellant.

And

Builders Firstsource-Southeast Group, LLC, Third Party Plaintiff

v.

Hurley Services, LLC and Sunrise Windows and Doors, LLC and Sunrise Windows and Doors LLC, Third-Party Defendants

And

Sagehorn and Company, Inc., Third Party Plaintiff

v.

Henry's Construction Trucking, Inc., Charlotte Mechanical, LLC, Ethridge Electric Co., LLC, Builders Insulation of North Carolina, LLC, Tradition Builders, Inc., Heaven Woodworks, Inc., Bishop & Sons Plumbing & Piping, Inc., and John Doe 1-10, Third Party Defendants

And

Alpha Omega Construction Group, LLC, Third Party Plaintiff

v.

Arteaga Roofing, LLC, Melinda Amador, James Bayles, Blanca Christina Lopez, Flavio Morales, Daniel Leon Ramos, Juan Garza Ramos and Fidel Morales, Third Party Defendants.

**MOTION FOR LEAVE TO FILE THE
NOTICE OF APPEAL WITH
THE CIRCUIT COURT
OUT OF TIME**

Appellant Lennar Carolinas, LLC ("Lennar") respectfully moves the Court, pursuant to Rule 263(b) and Rule 240(a) of the South Carolina Appellate Court Rules, for an order granting Lennar leave to file out of time the Notice of Appeal in the captioned matter with the Circuit Court.

The basis for this Motion is that (1) this Court's jurisdiction over the case was established when Lennar timely served the Notice of Appeal on all parties and filed that Notice of Appeal with this Court timely; (2) good cause exists for the Court to grant Lennar leave to file the Notice of Appeal with the Circuit Court out of time; (3) Lennar's filing of the Notice of Appeal with the Circuit Court two (2) business days after the deadline for filing has caused no delay to this appellate proceeding and no prejudice to Respondent Royal Palms Property Owners Association, Inc. ("Respondent"). The good cause associated with Lennar's late filing of the Notice of Appeal with the Circuit Court is that Lennar's lead counsel was receiving testing and treatment for a serious

PPAB 9194305v1

RECEIVED

MAY 05 2023

SC Court of Appeals

illness during the time in which the Notice of Appeal was due to be filed with the Clerk of the Circuit Court and co-counsel was unexpectedly dealing with family medical issues during the time when the Notice of Appeal with the Clerk of the Circuit Court should have been filed.

The procedural history of this case supports the Court granting Lennar leave to file the Notice of Appeal with the Circuit Court out of time. Respondent initiated the underlying civil action by filing a complaint asserting purported construction defect claims against Lennar and other subcontractor and developer defendants. In response to the Complaint, Lennar filed a Motion to Compel Arbitration pursuant to the arbitration provision in the Royal Palms Declaration of Covenants, Conditions, and Restrictions. On January 24, 2023, the Circuit Court held a hearing on Lennar's Motion to Compel Arbitration, and on February 10, 2023, entered an order denying Lennar's Motion to Compel Arbitration. Lennar timely filed a Motion to Alter or Amend the Order denying the Motion to Compel Arbitration. On March 2, 2023, the Circuit Court issued an order denying the Motion to Alter or Amend without holding a hearing.

On April 3, 2023, Lennar filed timely with the Court of Appeals a Notice of Appeal of the Orders denying the Motion to Compel Arbitration and denying the Motion to Alter or Amend. That same day Lennar served the Respondent and all counsel of record with the Notice of Appeal. On April 7, 2023, Lennar provided the Court and the parties to this case with notice that it had requested a copy of the transcript of the hearing on Lennar's Motion to Compel Arbitration.

Rule 203(d)(B), SCACR, provides that an appellant file the Notice of Appeal with the lower court within ten (10) days following service of the Notice of Appeal. Therefore, since Lennar served the Notice of Appeal on all other parties, and filed the Notice of Appeal with the Clerk of the Appellate Court on April 3, 2023, it should have filed the Notice of Appeal with the Clerk of the Circuit Court by Thursday, April 13, 2023. *See* Rule 203(d)(B), SCACR. However, Lennar did not actually file the Notice of Appeal with the Clerk of the Circuit Court until Monday, April 17, 2023.

The service of the Notice of Appeal on all parties in timely fashion established this Court's jurisdiction over this matter. Lennar served the Respondent, and all counsel of record, and filed the Notice of Appeal with the Appellate Court within thirty (30) days of the Circuit Court's issuance of the Order denying the Motion to Alter or Amend. *See* Rule 203, SCACR; *see also Charleston Lumber Co. v. Miller Housing Corp.*, 318 S.C. 471, 458 S.E.2d 431 (Ct. App. 1995) (stating that "[c]lerical errors in a notice of appeal do not destroy the appeal" and noting that the respondents were not prejudiced by the Court's exercise of jurisdiction over the appeal in a case in which the appellant failed to appeal one of five cases that were tried together).

Rule 263(b), SCACR, permits this Court to extend the time for filing the Notice of Appeal with the Clerk of the Circuit Court if the Notice of Appeal has been served timely on the Respondent. *See Lovette v. Sonoco Prod. Co.*, No. 2004-UP-159, 2004 WL 6250393, at *5 (S.C. Ct. App. Mar. 11, 2004) (stating that "[t]his court may allow late filing of a notice of appeal if timely service has been accomplished for good cause shown").¹

Lennar timely served Respondent with the Notice of Appeal and filed the Notice with the Appellate Court. The remaining issue is whether the Court may conclude that the late filing of the Notice of Appeal with the Clerk of the Circuit Court can be excused for good cause. In this case, Lennar's inadvertent and unintentional delay in filing the Notice of Appeal with the Circuit Court was primarily the result of extenuating circumstances. During the time when the Notice of Appeal should have been filed with the Clerk of the Circuit Court (the day before and the day of the filing deadline with the Circuit Court) the lead attorney for Lennar in this case was out receiving testing and treatment for a serious illness. Unfortunately, co-counsel who handled the service of the Notice

¹ While an unpublished opinion may not hold precedential value, the *Lovette* court's finding that the time for filing the notice of appeal may be extended provides guidance to this Court as to the application of the South Carolina Appellate Court Rules and the exercise of the Court's discretion to expand the time for filing a notice of appeal.

of Appeal and the related filing of that Notice with the Clerk of the Appellate Court, also was unexpectedly dealing with family medical issues during the time when the Notice of Appeal with the Clerk of the Circuit Court should have been filed. The combination of those circumstances affecting the two attorneys who would have monitored and acted within the deadline allowed the error to occur without timely discovery.² Lennar believes, and asks the Court to find, that these extenuating circumstances constitute good cause for the Court to issue an order granting Lennar leave to file the Notice of Appeal with the Clerk of the Circuit Court out of time.

Lennar filed the Notice of Appeal with the Clerk of the Circuit Court two business days after the filing deadline. That late filing did not cause any delay in the appellate proceedings and did not cause any prejudice to Respondent. Nonetheless, on April 26, 2023, Respondent filed its Motion to Dismiss the appeal. The following day, Lennar attempted to consult with Respondent's counsel to resolve the motion, and the consultation continued to Monday, May 2, 2023 due to Respondent's counsel's availability. On Monday, May 2, 2023, Lennar's counsel explained the facts and circumstance as set forth herein and requested Respondent's counsel's consent to a Motion for Leave to File the Notice of Appeal with the Circuit Court Out of Time. Nonetheless, Respondent's counsel refused any professional courtesy to Lennar's counsel and declined to consent to Lennar's Motion unless Lennar acceded to Respondent's attempt to gain leverage from the circumstances and made additional unjustified concessions to Respondent. The parties had additional communications during the week of May 2, 2023; but Lennar has been unable to obtain Respondent's consent to this Motion.

The underlying appeal involves whether the circuit court erred in denying Lennar's Motion to Compel Arbitration. As Lennar will demonstrate in the briefs that it will file with the Court, Lennar has meritorious arguments that support this Court issuing an opinion reversing the Circuit Court's

² Lennar's counsel will provide the Court with additional information regarding those personal and family medical issues should the Court desire such additional information prior to issuing an order deciding this Motion.

denial of the Motion to Compel Arbitration.

Furthermore, the late filing of the Notice of Appeal has not impacted this Court or the Circuit Court and has not, and will not delay the appellate proceedings. Lennar already, on April 7, 2023, requested a copy of the transcript of the proceedings below and further activity in this appeal is dependent on the date the transcript is received. Certainly, Respondent has not been, and is not prejudiced by the late filing of the Notice of Appeal with the Circuit Court just as Respondent will not be prejudiced by this Court granting Lennar leave to file the Notice of Appeal with the Circuit Court outside the initial filing deadline.

Based on the foregoing, Lennar respectfully requests the Court grant it leave to file the Notice of Appeal with the Circuit Court no later than three (3) business days of the entry of an order granting Lennar's Motion for Leave to file the Notice of Appeal with the Circuit Court out of Time.

s/James Lynn Werner

James Lynn Werner (SC Bar No. 6029)
Taylor H. Stair (SC Bar No. 78430)
Katon E. Dawson, Jr. (SC Bar No. 101167)
Parker Poe Adams & Bernstein LLP
1221 Main Street, Suite 1100
Columbia, SC 29201
(803) 255-8000

May 5, 2023

Attorneys for Appellant Lennar Carolinas, LLC

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Keith Kelly, Circuit Court Judge

Appellate Case No. 2023-000542
Case No. 2020-CP-10-03931

RECEIVED

MAY 05 2023

SC Court of Appeals

Royal Palms Property Owners Association, Inc.,

Respondent,

v.

Alpha Prime LLC, Alpha Prime Construction LLC, Sagehorn And Company Inc., Royal Palms Holding LLC, Lennar Carolinas LLC, Alpha Omega Construction Group, Inc., Valmar Nunes, individually, Bruza Construction LLC, Simons Construction Company, LLC, Cesar E Desouza a/k/a Cesar Desouza, individually, Raul Martinez Masonry LLC, Mark Wolverton, individually, DVS, Inc., Carolina Foundation, Inc., CEBS Construction, LLC a/k/a CEBS Custom Homes, LLC, Archer Exteriors, Inc., JAS Construction Services, LLC, Henry Palmer, individually and d/b/a Palmer's Construction Services, LLC, Angelo De Souza, individually and d/b/a Sunrise Siding, LLC, WW Pereira Construction, LLC, GC General Construction, LLC, Siding Construction, LLC, Builders Firstsource - Southeast Group, LLC, Associated Materials Incorporated a/k/a and d/b/a Alside; Cohen's Drywall Company, Inc.; Guaranteed Framing, LLC; Hurley Services, LLC; Sunrise Windows And Doors, LLC; Pereira Construction, LLC; Della Putti Construction; J. Plitz Construction, LLC; CMAC Construction, LLC; Henry's Construction & Trucking, Inc.; Charlotte Mechanical, LLC; Ethridge Electric Co., LLC; Builders Insulation of North Carolina, LLC a/k/a City Wide Insulation of Madison, Inc. a/b/a Builders' Insulation; Tradition Builders, Inc.; Heaven Woodworks, Inc.; Bishop & Sons Plumbing & Piping, Inc.; Arteaga Roofing, LLC; Melinda Amador; James Bayles; Blanca Christina Lopez a/k/a Blanca Christina Chaves; Flavio Morales; Daniel Leon Ramos; Juan Garza Ramos; Fidel Morales; and City Wide Insulation of Madison, Inc. d/b/a Builders Insulation; Defendants

Of which Lennar Carolinas, LLC is the Appellant.

And

Builders Firstsource-Southeast Group, LLC, Third Party Plaintiff

v.

Hurley Services, LLC and Sunrise Windows and Doors, LLC and Sunrise Windows and Doors LLC, Third-Party Defendants

And

Sagehorn and Company, Inc., Third Party Plaintiff

v.

Henry's Construction Trucking, Inc., Charlotte Mechanical, LLC, Ethridge Electric Co., LLC, Builders Insulation of North Carolina, LLC, Tradition Builders, Inc., Heaven Woodworks, Inc., Bishop & Sons Plumbing & Piping, Inc., and John Doe 1-10, Third Party Defendants

And

Alpha Omega Construction Group, LLC, Third Party Plaintiff

v.

Arteaga Roofing, LLC, Melinda Amador, James Bayles, Blanca Christina Lopez, Flavio Morales, Daniel Leon Ramos, Juan Garza Ramos and Fidel Morales, Third Party Defendants.

PROOF OF SERVICE

The undersigned hereby certifies that on May 5, 2023, copies of Appellant Lennar Carolinas, LLC's **MOTION FOR LEAVE TO FILE THE NOTICE OF APPEAL WITH THE CIRCUIT COURT OUT OF TIME** were served on all counsel of record via email to counsels' individual AIS email addresses:

Amanda M. Blundy, Esquire (S.C. Bar No. 73069)
English Hanahan Maull, Esquire (S.C. Bar No. 104321)
Blundy Law Firm, LLC
234 Seven Farms Drive, Suite 111-A
Charleston, SC 29492
Telephone: 843.867.6050
ablundy@blundylawfirm.com
emaull@blundylawfirm.com

Robert L. Wylie, IV, Esq. (SC Bar No. 13052)
James L. Hills, Jr., Esq. (SC Bar No. 100942)
Mullen Wylie, LLC
4717 Jenn Drive, Second Floor (29577)
Post Office Box 1980
Myrtle Beach, SC 29578
Telephone: 843.449.4800

rwylie@mullenwylie.com
jhills@mullenwylie.com

D. Ryan McCabe, Jr., Esq. (SC Bar No. 16977)
McCabe, Trotter & Beverly, P.C.
4500 Fort Jackson Blvd., Suite 250
Columbia, SC 29209
PO Box 212069
Columbia, SC 29221
Telephone: 803.724.5000
ryan.mccabe@mccabetrotter.com

Francis E. Grimball (SC Bar No. 2310)
Mullen Wylie, LLC
171 Church Street, Suite 370
Charleston, SC 29401
Telephone: 843.853.6200
fgrimball@mullenwylie.com

Attorneys for Respondent Royal Palms Property Owners Association, Inc.

L. Dean Best (SC Bar No. 11952)
Best Law, P.A.
999 Lake Hunter Circle, Suite D
Mt. Pleasant, SC 29464
Post Office Box 2374
Mount Pleasant, SC 29465
Telephone: 843.793.4744
dean@bestlawsc.com

Mark Shanter Chaparro (SC Bar No. 102419)
Best Law, P.A.
999 Lake Hunter Circle, Suite D
Mt. Pleasant, SC 29464
Post Office Box 2374
Mount Pleasant, SC 29465
843.793.4744
shanter@bestlawsc.com

Attorneys for Alpha Omega Construction Group Inc.

Sonaly Kirkley Hendricks (SC Bar No. 74229)
Pierce, Sloan, Wilson, Kennedy & Early, LLC
321 E Bay Street
Charleston, SC 29401
Post Office Box 22437
Charleston, SC 29401
843.722.7733

sonalyhendricks@piercesloan.com

William Oglesby Sweeny, IV (SC Bar No. 78668)
Rogers Townsend LLC
205 King Street, Suite 201
Charleston, SC 29401
843.300.1000
billy.sweeny@rogerstownsend.com

Attorneys for Royal Palms Holding Inc.

Erin DuBose Dean (SC Bar No. 65320)
Tupper, Grimsley, Dean & Canaday, P.A.
611 Bay Street
Beaufort, SC 29902
Post Office Box 2055
Beaufort, SC 29901-2055
843.524.1116
erindean@tgdcpa.com

Caroline Coward McIntosh (SC Bar No 73737)
Luzuriaga Mims, LLP
1156 King Street
Charleston, SC 29403
Telephone: 843.410.471
cmcintosh@lmlawllp.com

Kevin W. Mims (SC Bar No. 69418)
Luzuriaga Mims, LLP
1156 King Street
Charleston, SC 29403
Telephone: 843.410.4713
kmims@lmlawllp.com

Attorneys for Sagehorn and Company

Roman Vincent Hammes (SC Bar No. 76977)
Charpia & Hammes, Attorneys at Law
215 W. 2Nd South Street
Summerville, SC 29483
Telephone: 843.261.7026
roman@charpiaLaw.com

Attorney for Cesar Desouza & Cesar E De Souza

David Starr Cobb (SC Bar No. 66569)
Turner Padget Graham & Laney, PA

PO Box 22129
Charleston, SC 29413-2129
Telephone: 843.576.2803
dcobb@turnerpadget.com

Attorney for Carolina Foundation Inc.

Tyler Ethan Cloud (SC Bar No. 103155)
Clawson & Staubes, LLC
126 Seven Farms Drive
#200
Charleston, SC 29492
Telephone: 843.577.2026
tcloud@clawsonandstaubes.com

Michael Lawrence Leech (SC Bar No. 1000516)
Clawson & Staubes, LLC
126 Seven Farms Dr, Ste. 200
Charleston, SC 29492-8144
Telephone: 843.577.2026
mleech@clawsonandstaubes.com

Attorneys for DVS, Inc.

Francis Heyward Grimball (SC Bar No. 101743)
Richardson Plowden & Robinson, PA
235 Magrath Darby
Suite 100
Mt. Pleasant, SC 29464
Telephone: 843.714.2616
fhgrimball@richardsonplowden.com

Attorney for Mark Wolverton

Erin DuBose Dean (SC Bar No. 65320)
Tupper, Grimsley, Dean & Canaday, P.A.
PO Box 2055
Beaufort, SC 29901-2055
Telephone: 843.524.1116
erindean@tgdcpa.com

Attorney for Raul Martinez Masonry, LLC

Catherine Holland Chase (SC Bar No. 74593)
Clement Rivers, LLP
PO Box 993
Charleston, SC 29402-0993

Telephone: 843.720.5488
cchase@ycrlaw.com

Attorney for Simons Construction Company, LLC

Christopher Clay Olson (SC Bar No. 17007)
Gordon & Rees LLP
40 Calhoun Street
Suite 350
Charleston, SC 29401
Telephone: 843.714.2509
colson@grsm.com

Attorney for Bruza Construction, LLC

Edward Glenn Elliott (SC Bar No. 7838)
Aiken Bridges Elliott Tyler & Saleeby, P.A.
Aiken Bridges
PO Drawer 1931
Florence, SC 29503
Telephone: 843.669.8787 ext. 328
ege@aikenbridges.com

Attorney for WW Pereira Construction, LLC

Sarah E. Butler (SC Bar No. 17235)
Copeland, Stair, Valz & Lovell, LLP
Copeland, Stair, Valz & Lovell, LLP
40 Calhoun St., Ste. 400
Charleston, SC 29401
Telephone: 843.727.0307
sbutler@csvg.law

Ms. Julia A. Bradshaw (SC Bar No. 103767)
Copeland, Stair, Valz & Lovell, LLP
Copeland, Stair, Valz & Lovell, LLP
40 Calhoun Street, Suite 400
Charleston, SC 29401
Telephone: 843.329.1261
jbradshaw@csvg.law

Attorneys for Henry Palmer

Thomas McRoy Shelley, III (SC Bar No. 7067)
Rogers Townsend LLC
PO Box 100200
1221 Main St., 14Th Floor
Columbia, SC 29202-3200

Telephone: 803.771.7900
roy.shelley@rogerstownsendsend.com

Steven T. Moon (SC Bar No. 6488)
Rogers Townsend LLC
PO Box 100200
Columbia, SC 29202-3200
Telephone: 803.771.7900
steven.moon@rogerstownsendsend.com

Attorneys for JAS Construction Services, LLC

Francis Heyward Grimball (SC Bar No. 101743)
Richardson Plowden & Robinson, PA
235 Magrath Darby
Suite 100
Mt. Pleasant, SC 29464
Telephone: 843.714.2616
fhgrimball@richardsonplowden.com

Attorney for Archer Exteriors, Inc.

PHILIP Paul CRISTALDI, III (SC Bar No. 102219)
Ross & Cristaldi, LLC
863 Coleman Blvd. Ste. B
Mt Pleasant, SC 29464
Telephone: 843.991.4328
pcristaldi@rclawsc.com

Jeffrey A Ross (SC Bar No. 74254)
Ross & Cristaldi, LLC
863 Coleman Blvd., Ste B
Mount Pleasant, SC 29464
Telephone: 843.329.4040
jross@rclawsc.com

Attorneys for Cohens Drywall Company, Inc.

Alan Ross Belcher, Jr. (SC Bar No. 71686)
Hall Booth Smith, PC
111 Coleman Blvd.
Suite 301
Mt. Pleasant, SC 29464
Telephone: 843.720.3460
alan.belcher@hallboothsmith.com

Connor Evan Johnson (SC Bar No. 103111)
Hall Booth Smith, PC

111 Coleman Boulevard
Suite 301
Mount Pleasant, SC 29464
Telephone: 843.720.3487
connorjohnson@hallboothsmith.com

Attorneys for CEBS Construction, LLC

Hannah E. Smith (SC Bar No. 105237)
Copeland, Stair, Valz & Lovell, LLP
Copeland, Stair, Valz & Lovell, LLP
40 Calhoun Street,, Suite 400
Charleston, SC 29401
Telephone: 843.266.8233
hsmith@csvg.law

John Patrick Turner Norris (SC Bar No. 78270)
Copeland, Stair, Valz & Lovell, LLP
Copeland, Stair, Valz & Lovell, LLP
40 Calhoun St., Ste. 400
Charleston, SC 29401
Telephone: 843.266.8219
pnorris@csvg.law

Madison Brooke Alger (SC Bar No. 101385)
Copeland, Stair, Valz & Lovell, LLP
Copeland, Stair, Valz & Lovell, LLP
40 Calhoun St, Suite 400
Charleston, SC 29401
Telephone: 843.266.8207
malger@csvg.law

Attorneys for Associated Materials Incorporated

Stephen P. Hughes (SC Bar No. 2805)
Howell Gibson & Hughes, PA
PO Box 40
Beaufort, SC 29901
Telephone: 843.522.2400
sphughes@hgpha.com

Attorney for Builders Firstsource Southeast Group, LLC

Claude Townsend Prevost, III (SC Bar No. 74343)
Collins & Lacy, PC
PO Box 12487
Columbia, SC 29211

Telephone: 803.256.2660
cprevost@collinsandlacy.com

Robert McNair Peele, III (SC Bar No. 77569)
Collins & Lacy, PC
Collins & Lacy
PO Box 12487
Columbia, SC 29211
Telephone: 803.256.2660
rpeele@collinsandlacy.com

Attorneys for Sunrise Siding, LLC

Sarah E. Butler (SC Bar No. 17235)
Copeland, Stair, Valz & Lovell, LLP
Copeland, Stair, Valz & Lovell, LLP
40 Calhoun St., Ste. 400
Charleston, SC 29401
Telephone: 843.727.0307
sbutler@csvl.law

Ms. Julia A. Bradshaw (SC Bar No. 103767)
Copeland, Stair, Valz & Lovell, LLP
Copeland, Stair, Valz & Lovell, LLP
40 Calhoun Street, Suite 400
Charleston, SC 29401
Telephone: 843.329.1261
jbradshaw@csvl.law

Attorneys for Palmers Construction Services, LLC

Jennifer Sue Ivey (SC Bar No. 102533)
Walker Gressette & Linton, LLC
P.O. Drawer 22167
Charleston, SC 29413
Telephone: 843.727.2216
ivey@wglfirm.com

Attorney for Hurley Services, LLC

John Blanton O'Neal, IV (SC Bar No. 68511)
Hood Law Firm, LLC
172 Meeting Street
Charleston, South Carolina 29401
Post Office Box 1508
Charleston, SC 29402
Telephone: 843.577.4435
blanton.oneal@hoodlaw.com

Kathryn Nicole Tanner (SC Bar No. 105334)
Hood Law Firm, LLC
172 Meeting Street
Charleston, SC 29401
Telephone: 843.577.1210
katie.tanner@hoodlaw.com

Attorneys for CMAC Construction, LLC

Robert McNair Peele, III (SC Bar No. 77569)
Collins & Lacy, PC
1330 Lady Street, 6th Floor
Columbia, SC 29201
Post Office Box 12487
Columbia, SC 29211
Telephone: 803.256.2660
rpeele@collinsandlacy.com

James Lloyd Williams (SC Bar No. 102408)
Collins & Lacy, PC
1330 Lady Street, Sixth Floor
Columbia, SC 29201
Telephone: 803.256.2660
jwilliams@collinsandlacy.com

Attorneys for J. Plitz Construction LLC

Neil S. Haldrup (SC Bar No. 13017)
Wall Templeton & Haldrup, PA
145 King St # 300
Charleston, SC 29401
Post Office Box 1200
Charleston, SC 29402
Telephone: 843.329.9500
neil.haldrup@walltempleton.com

Attorney for Builders Insulation of North Carolina LLC

Sidney Markey Stubbs (SC Bar No. 7973)
Baker Ravenel & Bender, LLP
3710 Landmark Dr # 400
Columbia, SC 29204
Post Office Box 8057
Columbia, SC 29202
Telephone: 803.799.9091
mstubbs@brblegal.com

Attorney for Tradition Builders Inc.

Jordan Chelsae Davis (SC Bar No. 104622)
Baker Ravenel & Bender, LLP
3710 Landmark Dr #400
Columbia, SC 29204
Telephone: 803.343.3866
jdavis@brblegal.com

Everett Augustus Kendall, II (SC Bar No. 8450)
Murphy & Grantland, PA
4406 B Forest Drive
Columbia, SC 29206
Post Office Box 6648
Columbia, SC 29260
Telephone: 803.782.4100
rkendall@murphygrantland.com

Scott William Giblin (SC Bar No. 105368)
Murphy & Grantland, PA
4406 B Forest Drive
Columbia, SC 29206
Post Office Box 6648
Columbia, SC 29260
Telephone: 803.782.4100
sgiblin@murphygrantland.com

Attorneys for Bishop and Sons Plumbing Inc

Roopal S. Ruparelia (SC Bar No: 16003)
Haynsworth Sinkler Boyd, PA
1201 Main St # 2200
Columbia, SC 29201
Post Office Box 11889
Columbia, SC 29211-1889
803.540.7846
rruparelia@hsblawfirm.com

Clarke W. DuBose (SC Bar No. 1761)
Haynsworth Sinkler Boyd, PA
1201 Main St # 2200
Columbia, SC 29201
Post Office Box 11889
Columbia, SC 29211
Telephone: 803.540.7833
cdubose@hsblawfirm.com

Attorneys for Juan Garza Ramos

Shanna Milcetic Stephens (SC Bar No. 72012)
Anderson Reynolds & Stephens, LLC
37 Broad Street
Charleston, SC 29401
Post Office Box 87
Charleston, SC 29402
Telephone: 843.723.0185
sstephens@arlawsc.com

Danielle Beck Wegener (SC Bar No. 77481)
Anderson Reynolds & Stephens, LLC
37 Broad Street
Charleston, SC 29401
Post Office Box 87
Charleston, SC 29402
Telephone: 843.723.0185
dwegener@arlawsc.com

Attorneys for Daniel Leon Ramos

Brandon Todd Reeser (SC Bar No. 101342)
Wilson Heyward & Reeser, LLC
924 Folly Road
Charleston, SC 29412
Post Office Box 13177
Charleston, SC 29422
Telephone: 843.762.4567
breeser@wilsonheyward.com

Attorney for Blanca Christina Lopez

Jason Alan Daigle (SC Bar No. 73308)
Young Clement Rivers
25 Calhoun Street, Suite 400
Charleston, SC 29401
Telephone: 843.577.4000
jdaigle@ycrlaw.com

Attorney for Arteaga Roofing LLC

Allen Leland DuPre (SC Bar No. 13517)
Lyles & Associates, LLC
1037 Chuck Dawley Blvd., Suite G-100
Mt. Pleasant, SC 29464
Telephone: 843.577.7730
ald@lylesfirm.com

Caroline Kathryn Hicks (SC Bar No. 105289)
Lyles & Associates, LLC
1037 Chuck Dawley Blvd Suite G-100
Mt. Pleasant, SC 29464
Telephone: 843.806.3281
ckh@lylesfirm.com

Attorney for Melinda Amador

Patrick J. McDonald (SC Bar No. 16921)
Resnick & Louis, P.C.
146 Fairchild Street, Suite 130
Daniel Island, SC 29492
Telephone: 843.270.0675
pmcdonald@rlattorneys.com

Kirkley Gibson White (SC Bar No. 103702)
Resnick & Louis, P.C.
164 Fairchild Street, Suite 130
Charleston, SC 29492
Telephone: 843.212.0435
kwhite@rlattorneys.com

Attorneys for Flavio Morales

s/Katon E. Dawson Jr.

James Lynn Werner (SC Bar No. 6029)
Taylor H. Stair (SC Bar No. 78430)
Katon E. Dawson, Jr. (SC Bar No. 101167)
Parker Poe Adams & Bernstein LLP
1221 Main Street, Suite 1100
Columbia, SC 29201
(803) 255-8000
jimwerner@parkerpoe.com
taylorstair@parkerpoe.com
katondawson@parkerpoe.com

May 5, 2023

Attorneys for Appellant Lennar Carolinas, LLC



Katon E. Dawson, Jr.
Partner
t: 803.253.6854
f: 803.255.8017
katondawson@parkerpoe.com

Atlanta, GA
Charleston, SC
Charlotte, NC
Columbia, SC
Greenville, SC
Raleigh, NC
Spartanburg, SC
Washington, DC

May 5, 2023

RECEIVED

MAY 05 2023

SC Court of Appeals

Via E-mail [ctappfilings@sccourts.org] and Hand Delivery

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

**Re: Royal Palms Property Owners Association Inc , plaintiff, et al VS Alpha Prime
LLC , defendant, et al
Appellate Case No. 2023-000542**

Dear Mrs. Kitchings,

Enclosed is Appellant Lennar Carolinas, LLC's Return to Respondent's Motion to Dismiss the Appeal, Motion for Leave to File the Notice of Appeal with the Circuit Court Out of Time, Proof of Service, and a firm check in the amount of \$50 for the filing fee for the enclosed Motion for Leave to File the Notice of Appeal with the Circuit Court Out of Time.

Sincerely,

A handwritten signature in black ink, appearing to read 'Katon E. Dawson, Jr.'.

Katon E. Dawson, Jr.

KED
Cc:
All counsel of record via email only