

**RECEIVED**

**Jun 30 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

Appellate Case No. 2021-001055  
Case No. 2016-CP-10-01833

Andrew and Kimberly McIntire,

Plaintiffs,

v.

Sequest Development Company, Inc.; Red Bay Constructors Corp.;  
Benzenberg Custom Cabinets, Inc.; Jonathan Marshall Construction;  
Coastal Window & Door Center of Charleston, LLC; Carolina Window &  
Millwork, LLC n/k/a Carolina Window & Millwork-Omni Glass Industries, LLC;  
Southcoast Exteriors, Inc.; Michael Casteen d/b/a Casteen Custom Cabinets;  
Quality Cedar Products, Inc. of Michigan d/b/a Michigan Prestain Co.;  
Coastal Plumbing & Gas, LLC; Foam Insulation Co. Inc.; Jerry Comer d/b/a  
Jerry's Tile & Marble, LLC; Lowcountry Fireplaces, Inc.; Carolina Pest Solutions,  
Inc.; and New South Construction Supply, LLC,

Defendants.

Sequest Development Company, Inc.,

Third-Party Plaintiff,

v.

Architectural Products of Charleston, LLC, and  
Sealtight of South Carolina, LLC,

Third-Party Defendants.

Of whom Andrew and Kimberly McIntire and  
Sequest Development Company, Inc., are

Appellants,

And Red Bay Constructors Corp.; Benzenberg Custom Cabinets, Inc.;  
Jonathan Marshall Construction; Coastal Window & Door Center of Charleston,

LLC; Carolina Window & Millwork, LLC n/k/a Carolina Window & Millwork-Omni Glass Industries, LLC; Southcoast Exteriors, Inc.; Michael Casteen d/b/a Casteen Custom Cabinets; Quality Cedar Products, Inc. of Michigan d/b/a Michigan Prestain Co.; Coastal Plumbing & Gas, LLC; Foam Insulation Co. Inc.; Jerry Comer d/b/a Jerry's Tile & Marble, LLC; Lowcountry Fireplaces, Inc.; Carolina Pest Solutions, Inc.; New South Construction Supply, LLC, Architectural Products of Charleston, LLC; and Sealtight of South Carolina, LLC, are  
Respondents.

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

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TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS

COMES NOW Appellant, Seaquest Development Company, Inc., by and through its undersigned counsel, pursuant to Rule 263(b), SCACR, and moves for a second extension of fifteen (15) days' additional time to file/serve a petition for rehearing of this matter, which the Court decided via opinion filed May 31, 2023. *See McIntire v. Seaquest Development Company, Inc., Unpublished Op. No. 2023-UP-206.*

Presently, pursuant to this Court's order dated June 27, 2023, the deadline to petition for rehearing is today, Friday, June 30, 2023. Because of work-related and other time commitments, the undersigned counsel for Appellant requests the Court's allowance of fifteen (15) days' additional time to petition for rehearing.

Respectfully, the undersigned 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, Appellant requests the Court grant it an extension of 15 days' time to petition for rehearing. By the undersigned's calculations, the grant of this relief would make the new deadline to petition for rehearing July 17, 2023. ADDITIONALLY, for the same reasons set forth in support of the within request

for an extension of time, Appellant requests the Court hold the present deadline for petitioning for rehearing in abeyance until the Court acts on this motion.

Respectfully submitted,  
CLEMENT RIVERS, LLP

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Charleston, South Carolina

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Quality Cedar Products, Inc. of Michigan d/b/a Michigan Prestain Co.; Coastal  
Plumbing & Gas, LLC; Foam Insulation Co. Inc.; Jerry Comer d/b/a Jerry's Tile &  
Marble, LLC; Lowcountry Fireplaces, Inc.; Carolina Pest Solutions, Inc.; and New  
South Construction Supply, LLC,

Defendants.

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Jonathan Marshall Construction; Coastal Window & Door Center of Charleston, LLC; Carolina Window & Millwork, LLC n/k/a Carolina Window & Millwork-Omni Glass Industries, LLC; Southcoast Exteriors, Inc.; Michael Casteen d/b/a Casteen Custom Cabinets; Quality Cedar Products, Inc. of Michigan d/b/a Michigan Prestain Co.; Coastal Plumbing & Gas, LLC; Foam Insulation Co. Inc.; Jerry Comer d/b/a Jerry's Tile & Marble, LLC; Lowcountry Fireplaces, Inc.; Carolina Pest Solutions, Inc.; New South Construction Supply, LLC, Architectural Products of Charleston, LLC; and Sealtight of South Carolina, LLC, are

Respondents.

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**PROOF OF SERVICE**

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I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Appellant Seaquest Development Company, Inc. (“Seaquest”), hereby certify that Seaquest’s **SECOND MOTION FOR EXTENSION OF TIME TO PETITION FOR REHEARING** in the above-captioned case was served on all parties to this matter (who have appeared in the action) on June 30, 2023, by emailing (see attached) a copy of the same to their respective counsel of record:

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Respectfully submitted,  
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Seaquest Development Company, Inc.*

Charleston, South Carolina

June 30, 2023

## Bell, Pollyana (Polly)

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**Subject:** McIntire v. Seaquest Development Company, Inc. et al.; Appellate Case No. 2021-001055 (CR 160374)  
**Attachments:** Second Motion for Extension - Petition for rehearing.pdf

Enclosed please find Appellant Seaquest Development Company, Inc.'s Second Motion for Extension of Time to Petition for Rehearing which will be filed today in the above-referenced matter.

Thank you,

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