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Aug 14 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. 2016-CP-10-01833
Appellate Case No. 2021-001055

Andrew and Kimberly McIntire,

Appellants,

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.

and

Sequest Development Company, Inc.,

Third-Party Plaintiff/Appellant,

v.

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

Third-Party Defendants,

Of which 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.

**PETITIONER'S MOTION FOR SECOND EXTENSION OF TIME
TO FILE/SERVE REPLY
TO RESPONDENTS' RETURN
TO PETITION FOR REHEARING**

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Attorneys for Appellant

Sequest Development Company, Inc.

NOW COMES Appellant Seaquest Development Company, Inc. (“Seaquest”), by and through its undersigned counsel, pursuant to Rule 263(b), SCACR, on the grounds set forth below, and hereby requests a second extension of five (5) days’ time to file/serve any reply to Respondents’ return to Seaquest’s petition for rehearing.

Respondents’ served their return to Seaquest’s petition for rehearing on July 31, 2023, making the original deadline for any reply by Seaquest Monday, August 7, 2023, pursuant to Rule 240(f), SCACR (“The moving party shall have five (5) days from the date of service of a return to file an original and six (6) copies of a reply with the clerk and serve on all parties a copy of the reply.”).

Because of work-related and other time commitments, by motion filed/served August 7, 2023, Seaquest sought a first extension of 5 days’ time to file/serve any reply to Respondents’ return to Seaquest’s petition for rehearing, i.e., an extension through today, Monday, August 14, 2023. To the best of Seaquest’s knowledge, the Court has not yet acted on this motion.

Now, again because of work-related and other time commitments, Seaquest’s undersigned counsel again respectfully requests that Seaquest’s deadline to file/serve any reply to Respondents’ return to Seaquest’s petition for rehearing be extended by 5 days. Respectfully, Seaquest believes this relief is

consistent with the interests of justice and will not cause any undue prejudice to Respondents.

WHEREFORE, Seaquest moves this Honorable Court to grant it an extension of 5 days' time (running from today, Monday, August 14, 2023) to file/serve any reply to Respondents' return to Seaquest's petition for rehearing. With the requested extension, the new deadline would be Monday, August 21, 2023, by the undersigned's calculations. Further, Seaquest respectfully requests that the present deadline be held in abeyance until the Court acts upon the instant motion.

<SIGNED ON THE FOLLOWING PAGE>

Respectfully submitted,
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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.

and

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Third-Party Plaintiff/Appellant,

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Third-Party Defendants,

Of which Red Bay Constructors Corp.; Benzenberg Custom Cabinets, Inc.;
Jonathan Marshall Construction; Coastal Window & Door Center of Charleston,
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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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Attorneys for Appellant

Sequest Development Company, Inc.

I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Appellant Seaquest Development Company, Inc., hereby certify that the **PETITIONER'S MOTION FOR SECOND EXTENSION OF TIME TO FILE/SERVE REPLY TO RESPONDENTS' RETURN TO PETITION FOR REHEARING** in the above-captioned case were served on all parties to this matter (who have appeared in the action) on August 14, 2023, by emailing (see attached) a copy of the same to their respective counsel of record:

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Charleston, South Carolina

August 14, 2023

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Subject: Andrew McIntire v. Red Bay Constructors Corp. (2021-001055) -- Petitioner's Motion for Second Extension of Time to File/Serve Reply to Respondents' Return to Petition for Rehearing
Date: Monday, August 14, 2023 9:07:48 PM
Attachments: [image001.png](#)
[McIntire v. Seaquest \(2021-001055\) -- Seaquest's 2d Mot. for Ext re Reply in Supp. of Petition for Rehearing.pdf](#)

Attached please find **Petitioner's Motion for Second Extension of Time to File/Serve Reply to Respondents' Return to Petition for Rehearing** in the above-referenced case.

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