

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**

**Aug 14 2023**

**SC Court of Appeals**

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

The Honorable Carmen T. Mullen, Circuit Court Judge  
Case No. 2018-CP-26-00307

Appellate Case No. 2023-001150

Wedgewood Condominium Association, ..... Appellant

vs.

Centex Homes, a Nevada General Partnership; Balfour Beatty Construction, LLC as  
successor by merger to Centex Construction Company, Inc. and Centex Construction, LLC;  
Crescent Architects, LLC; and CEMS Engineering, Inc., Defendants.

OF WHICH:

Centex Homes, a Nevada General Partnership; Balfour Beatty Construction, LLC as  
successor by merger to Centex Construction Company, Inc. and Centex Construction, LLC,  
are..... Respondents

**MOTION FOR EXTENSION OF TIME TO FILE APPELLANT'S  
INITIAL BRIEF AND DESIGNATION OF MATTER**

YOU WILL PLEASE TAKE NOTICE that the undersigned, as attorney for Appellant  
Wedgewood Condominium Association moves this Court for an Order extending the time to file  
Appellant's Initial Brief and Designation of Matter currently due on August 14, 2023 in the captioned  
appeal. The basis of this motion is as follows:

1. Appellant Wedgewood Condominium Association intends to file a motion for consolidation of its appeal (Appellate Case No. 2023-001150) with Appellate Case No. 2023-001132 filed by Centex Homes on July 13, 2023.

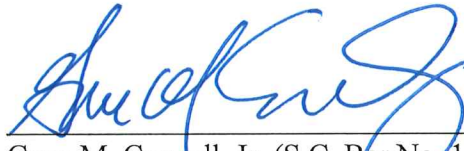
2. Appellant/Secondary Appellant Wedgewood Condominium Association has received a letter from counsel for Centex Homes dated August 9, 2023 (attached hereto as Exhibit 1) which indicates that the Court should hear the appeals together.

3. Appellant/Secondary Appellant Wedgewood Condominium Association has not received the entire transcript of the trial but has only received the transcript of the post-trial motions hearing. The State Court Reporter has advised the undersigned as counsel for Appellant/Secondary Appellant Wedgewood that the trial transcript should be available sometime the end of August or early September. This original trial transcript may be necessary for Appellant/Secondary Appellant Wedgewood to address its appeal of the post judgment interest issue.

WHEREFORE, Appellant's counsel respectfully requests this Court issue its Order granting Appellant an extension until this Court determines whether or not this case should be consolidated or how this unusual case should be handled.. This is Appellant's first request for extension in this matter.

Respectfully submitted,

KELAHER, CONNELL & CONNOR, P.C.



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August 14, 2023

**Attorneys for Appellant Wedgewood  
Condominium Association**



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August 9, 2023

VIA EMAIL

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
PO Box 11629  
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**RECEIVED**

**Aug 09 2023**

**SC Court of Appeals**

**Re: *Wedgewood Condominium Association vs. Centex Homes, et al.***  
**Appellate Case No.: 2023-001132**

***Wedgewood Condominium Association vs. Centex Homes, et al.***  
**Appellate Case No.: 2023-001150**

Dear Mrs. Kitchings:

On behalf of Centex Homes, a Nevada General Partnership and Balfour Beatty Construction, LLC as successor by merger to Centex Construction Company, Inc. and Centex Construction, LLC (collectively, "Centex"), I write to respectfully request the Court hear any argument on, and decide, the above-referenced appeals together.

Appellate Case No. 2023-001132 and Appellate Case No. 2023-001150 involve the same parties and arise out of the same underlying circuit court case. However, Centex and Wedgewood Condominium Association ("Wedgewood") each filed a Notice of Appeal and appealed different orders, involving different issues. Centex's appeal involves the merits; Wedgewood's appeal involves only the separate issue of post-trial interest, an issue that could be mooted by a successful Centex appeal. For the sake of judicial economy, therefore, Centex respectfully requests that any argument on the two appeals occur together and that the appeals be decided together.

For the sake of clarity, Centex is not requesting the appeals be consolidated pursuant to Rule 214, SCACR. Rather, after the parties file their briefs in the respective appeals, in the event the Court elects to hold oral argument, Centex requests that the Court hear the arguments together or consecutively in front of the same panel of judges. Further, to avoid the possibility that the Court might issue a ruling on the Wedgewood issue that could be mooted by the Centex appeal, Centex requests that the two appeals be decided together.

PPAB 9746974v1

August 9, 2023  
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Please let us know if the Court would like us to provide any additional information in relation to this request.

With best regards,

A handwritten signature in black ink, appearing to read "Thomas C. Hildebrand, Jr.", with a large, sweeping flourish at the end.

Thomas C. Hildebrand, Jr.

cc:

Stacy L. Stanley, Esquire (via email)  
Gene M. Connell, Jr., Esquire (via email)