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Oct 02 2023

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal from Beaufort County
Court of Common Pleas
Carmen T. Mullen, Circuit Court Judge

Case No. 2019-CP-07-00223
Appellate Case No. 2020-001659

Tracey Lee Lunenburg,

Respondent,

v.

Vincent J. Aiello, Jr.,

Atlantic Heritage Builders, Inc.,

Yuko Construction, Inc., d/b/a Advanced Roofing, Inc.,

Bismark Lara, Premium Stucco, and

Shaw Manufacturing's Wrought Iron Works, Inc.,

Defendants.

Vincent J. Aiello, Jr., and

Atlantic Heritage Builders, Inc.,

Third-Party Plaintiffs,

Palatial Homes, Inc., Palatial Homes, LLC,

Palatial Homes Design, LLC, and

Palatial Building Group, LLC,

Third-Party Defendants,

Of whom Vincent J. Aiello, Jr., and

Atlantic Heritage Builders, Inc., are the

Appellants.

MOTION FOR EXTENSION OF TIME TO PETITION FOR REHEARING

CLEMENT RIVERS, LLP

Jason A. Daigle (SC Bar No. 73308)

Nicholas J. Rivera (SC Bar No. 77186)

Russell G. Hines (SC Bar No. 72100)

25 Calhoun Street, Suite 400

Charleston, South Carolina 29401

P.O. Box 993 (29402)

(843) 720-5488

Attorneys for Appellants

NOW COME Appellants, Vincent J. Aiello, Jr., and Atlantic Heritage Builders, Inc., by and through their undersigned counsel, pursuant to Rule 263(b), SCACR, and, on the grounds set forth below, move this Honorable Court for an extension of fifteen (15) days' time to file/serve their petition for rehearing/reinstatement in this matter.

By order filed Friday, September 15, 2023, the Court dismissed this appeal, making the deadline to petition for rehearing/reinstatement today, Monday, October 2, 2023, pursuant to Rule 221(a), SCACR (“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.”)/Rule 260(a), SCACR (“The clerk shall remit the case to the lower court or administrative tribunal in accordance with Rule 221 unless a motion to reinstate the appeal has been actually received by the court within fifteen (15) days of filing of the order of dismissal (the day of filing being excluded).”).¹

Because of work-related and other time commitments, the undersigned respectfully requests that Appellants' deadline to petition for rehearing/reinstatement be extended by 15 days from today, October 2, 2023. The undersigned respectfully submits that there is good cause to grant such relief, as it is timely sought, reasonable in scope, consistent with the interests of justice, and

¹ Calculated pursuant to Rule 263(a), SCACR, the 15-day deadline runs to today, Monday, October 2, 2023, because the 15th day fell on the weekend.

not prejudicial to Respondent.

WHEREFORE, Appellants move this Honorable Court to extend the deadline for them to file/serve their petition for rehearing/reinstatement in this matter by 15 days from today, October 2, 2023. With the extension requested herein, the new deadline for filing/serving Appellants' petition for rehearing/reinstatement would be Tuesday, October 17, 2023, according to the undersigned's calculations. Further, Appellants respectfully request the Court hold their present deadline to petition for rehearing/reinstatement in abeyance until it acts upon this motion.

Respectfully Submitted,
CLEMENT RIVERS, LLP

By: s/Russell G. Hines
Jason A. Daigle (SC Bar No. 73308)
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Charleston, South Carolina

October 2, 2023

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PROOF OF SERVICE

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Attorneys for Appellants

I, Russell G. Hines, of Clement Rivers, LLP, Attorneys for Appellants, hereby certify that the **MOTION FOR EXTENSION OF TIME TO PETITION FOR REHEARING** was served on Respondent on October 2, 2023, via email (see attached) to her counsel of record:

Thomas J. Finn, Esquire
FINN LAW FIRM, PC
P.O. Box 6003
Hilton Head Island, SC 29938
thomas@finnlawfirmpc.com

Attorney for Respondent

Respectfully submitted,
CLEMENT RIVERS, LLP

By: s/Russell G. Hines
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Attorneys for Appellants

Charleston, South Carolina

October 2, 2023

Bell, Pollyana (Polly)

From: Bell, Pollyana (Polly)
Sent: Monday, October 2, 2023 1:28 PM
To: 'thomas@finnlawfirm.com'
Cc: Hines, Russell; Justman, Aimee
Subject: Lunenburg v. Aiello; Appellate Case No. 2020-001659 (CR 190474)
Attachments: App. Case No. 2020-001659 -- Lunenburg v. Aiello -- Mot. for Ext. re PRH.pdf

Enclosed please find Appellants' Motion for Extension of Time to Petition for Rehearing for service upon you in the above-referenced matter.

Thank you,

Pollyana Bell
Project Assistant
Commercial Litigation Practice Group
Phone:(843)720-5488 | Fax:(843)579-1369



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