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Oct 20 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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

Petitioners,

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.

**MOTION FOR EXTENSION OF TIME
TO SERVE/FILE PETITION FOR WRIT OF CERTIORARI**

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

NOW COMES Petitioner, Seaquest Development Company, Inc., by and through its undersigned counsel, on the grounds stated below, pursuant to Rule 263(b), SCACR, as well as the Court's order of July 16, 2014, regarding Extensions in Cases Seeking a Petition for a Writ of Certiorari to Review a Decision of the South Carolina Court of Appeals, and hereby moves for an extension of ten (10) days' time to file/serve its petition to this Court for issuance of a writ of certiorari to the Court of Appeals to review its decision in this matter.

Presently, by order of this Court dated September 21, 2023, the deadline for the petition for writ of certiorari is October 23, 2023. Due to other time commitments, both work- and non-work-related, the undersigned counsel for Petitioner requests ten (10) additional days, beyond today's date, to prepare Petitioner's petition seeking this Court's review of the Court of Appeals' decision via writ of certiorari, and the undersigned submits that there is good cause to allow the requested dispensation: It is in furtherance of the interests of justice; it will not work any undue prejudice upon any other party; and it is consistent with the extension protocol established by the Court's aforementioned order of July 16, 2014.

WHEREFORE, Petitioner respectfully requests that this Honorable Court grant it an extension of ten (10) days' time to file/serve its petition for writ of certiorari. With the extension requested herein, the new deadline for filing/serving

its petition for writ of certiorari would be November 2, 2023, according to the undersigned's calculations. Further, Petitioner respectfully requests that the Court hold his present deadline in abeyance until it acts upon this motion.

*[Signature page for Motion for Extension of Time to Serve/File
Petition for Writ of Certiorari, Appellate Case No. 2021-001055]*

Respectfully submitted,
CLEMENT RIVERS, LLP

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*Attorneys for Petitioners
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Charleston, South Carolina

October 20, 2023

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Marble, LLC; Lowcountry Fireplaces, Inc.; Carolina Pest Solutions, Inc.; and New
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v.

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Sealtight of South Carolina, LLC,

Third-Party Defendants.

Of whom Andrew and Kimberly McIntire and
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Petitioners,

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.

PROOF OF SERVICE

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Attorneys for Petitioners

Sequest Development Company, Inc.

I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Petitioners 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 October 20, 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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Charleston, South Carolina

October 20, 2023

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Cc: 'Brown, Stephen L.'; 'Buckley, Edward D. (Ed)'; 'Daigle, Jason'; 'Hines, Russell'; 'Justman, Aimee'; 'Jean-Charles, Alice'
Subject: McIntire v. Sequest Development Company, Inc. et al.; Appellate Case No. 2021-001055 (CR 160374)
Attachments: Motion for Extension - Petition for Writ of Certiorari.pdf

Enclosed please find Petitioner Sequest Development Company, Inc.'s Motion for Extension of Time to Serve/File Petition for Writ of Certiorari for service upon you in the above-referenced matter.

Thank you,

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