

**RECEIVED**

**Oct 16 2023**

**SC Court of Appeals**

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

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

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

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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.

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

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CLEMENT RIVERS, LLP  
Jason A. Daigle (SC Bar No. 73308)  
Nicholas J. Rivera (SC Bar No. 77186)  
Russell G. Hines (SC Bar No. 72100)  
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P.O. Box 993 (29402)  
(843) 720-5488

*Attorneys for Appellants*

COME NOW Appellants, Vincent J. Aiello, Jr., and Atlantic Heritage Builders, Inc., by and through their undersigned counsel, pursuant to Rule 263(b), SCACR, and move for an extension of fifteen (15) days' additional time to file/serve a petition for rehearing of this matter, which the Court decided via order filed September 15, 2023.

Rule 221(a), SCACR, provides, "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." Based on the September 15, 2023, filing of the Court's order in this case, the original deadline to petition for rehearing was the close of business Monday, October 2, 2023. On October 2, 2023, Appellants filed their first motion for an additional 15-day extension of time, requesting extension of the deadline through October 17, 2023. This motion has not yet been acted upon by the Court.

Because of work-related and other time commitments, the undersigned counsel for Appellants 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, Appellants request the Court grant them 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 November 1, 2023. ADDITIONALLY, for the same reasons set forth in support of the within request for an extension of time, Appellants request that the Court hold the present deadline for petitioning for rehearing in abeyance until the Court acts on this motion.

*[Signature page for Second Motion for Extension of Time to Petition for Rehearing, Appeal No. 2020-001659]*

Respectfully Submitted,  
CLEMENT RIVERS, LLP

By: s/Russell G. Hines  
Jason A. Daigle (SC Bar No. 73308)  
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*Attorneys for Appellants*

Charleston, South Carolina

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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.

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**PROOF OF SERVICE**

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CLEMENT RIVERS, LLP  
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*Attorneys for Appellants*

I, Russell G. Hines, of Clement Rivers, LLP, Attorneys for Appellants, hereby certify that the **SECOND MOTION FOR EXTENSION OF TIME TO PETITION FOR REHEARING** was served on Respondent on October 16, 2023, via email (see attached) to Respondent's counsel of record:

Thomas J. Finn, Esquire  
FINN LAW FIRM, PC  
P.O. Box 6003  
Hilton Head Island, SC 29938  
[thomas@finnlawfirm.com](mailto:thomas@finnlawfirm.com)

*Attorney for Respondent*

Respectfully submitted,  
CLEMENT RIVERS, LLP

By: s/Russell G. Hines  
Russell G. Hines (SC Bar No. 72100)  
*Attorneys for Appellants*

Charleston, South Carolina

October 16, 2023

## Bell, Pollyana (Polly)

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**From:** Bell, Pollyana (Polly)  
**Sent:** Monday, October 16, 2023 4:02 PM  
**To:** 'thomas@finnlawfirm.com'  
**Cc:** Hines, Russell; Justman, Aimee  
**Subject:** Lunenburg v. Aiello; Appellate Case No. 2020-001659 (CR 190474)  
**Attachments:** 2nd Motion for Extension - petition for rehearing.pdf

Enclosed please find Appellants' Second 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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