

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Appeal from Charleston County
Court of Common Pleas

Jennifer B. McCoy, Circuit Court Judge

Case No. 2015-CP-10-00955
Appellate Case No. 2023-001422

Palmetto Pointe at Peas Island Condominium Property
Owners Association, Inc. and Jack Love, individually, and on
behalf of all others similarly situated,

Respondents,

v.

Island Pointe, LLC; Complete Building Corporation; Tri-
County Roofing, Inc.; Creekside, Inc; American Residential
Services, LLC d/b/a ARS/Rescue Rooter Charleston;
Andersen Windows, Inc; Atlantic Building Construction
Services, Inc., n/k/a Atlantic Construction Services, Inc.;
Builder Services Group, Inc. d/b/a Gale Contractor
Services; Novus Architects, Inc., f/k/a SGM Architects,
Inc.; Tallent and Sons, Inc; WC Services, Inc.; CRG
Engineering, Inc; CertainTeed Corporation; Kelly Flooring
Products, Inc, d/b/a Carpet Baggers; Cornerstone
Construction and Mark Malloy d/b/a Cornerstone
Construction; Miracle Siding, LLC and Wilson Lucas Sales
d/b/a Miracle Siding, LLC; Mark Palpoint a/k/a Micah
Palpoint; Elroy Alonzo Vasquez; Chris a/k/a John Doe 61;
Alderman Construction; Stanley's Vinyl Fence Designs;
Cohen's Drywall Company, Inc; Mosely Concrete; Hand A
Framing Construction, LLC a/k/a H&A Framing
Construction, LLC and d/b/a H and A Framing, LLC, H&A
Construction, and Hand A Construction; JMC Construction,
Inc; JMC Construction, LLC; John Doe 1-15,

Defendants,

Of whom Tri-County Roofing, Inc. is the

Petitioner.

**CONSENT MOTION FOR EXTENSION OF TIME
TO NOVEMBER 9, 2023, TO SERVE/FILE
RETURN TO PETITION FOR WRIT OF CERTIORARI**

Justin O. Lucey (SC Bar No. 15438)
Joshua F. Evans (SC Bar No. 77448)
Sohayla R. Townes (SC Bar No. 102814)
Stephanie D. Drawdy (SC Bar No. 70205)
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Attorneys for Respondents

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Attorneys for Respondents

NOW COME Respondents, Palmetto Pointe at Peas Island Condominium Property Owners Association, Inc., and Jack Love, individually and on behalf of all others similarly situated, by and through their 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, **with the consent of Petitioner**, hereby move for an extension of 5 days' time (running from tomorrow, November 2, 2023) to file/serve their return to the petition for writ of certiorari in this matter.

Presently, by order of this Court filed October 20, 2023, the deadline for Respondents' return to the petition for writ of certiorari is tomorrow, November 2, 2023, which is the end of the 20-day extension allowance under subsection (1) of the Court's order of July 16, 2014. Respondents recognize that extensions beyond the 20 days specified in subsection (1) of the Court's order of July 16, 2014, require extraordinary circumstances outside the normal course of business, and they do not make this request lightly. The time for drafting Respondents' return to the instant petition for a writ of certiorari has fallen at a time when Respondents' lead counsel, Justin O. Lucey, has been out of state from October 27 through November 1, 2023, on longstanding travel plans. Having consulted with Petitioner's counsel Christian Stegmaier prior to filing the instant motion and obtained his courteous consent to the

relief requested herein, Respondents respectfully submit that such relief is consistent with the letter and spirit of the Court's order of July 16, 2014, and that the Court's grant of the same is in furtherance of the interests of justice and will neither result in any undue prejudice or delay.

WHEREFORE, Respondents respectfully request that this Honorable Court grant them an extension of 5 days' time from November 2, 2023, to file/serve their return to the petition for writ of certiorari. With the extension requested herein, the new deadline for filing/serving the return to the petition for writ of certiorari would be Thursday, November 9, 2023, according to the undersigned's calculations.¹ Further, Respondents respectfully request that the Court hold their present deadline to file/serve their return to the petition for writ of certiorari present in abeyance until it acts upon this motion.

<SIGNED ON THE FOLLOWING PAGE>

¹ See Rule 263(a), SCACR ("In computing any period of time prescribed or allowed by these Rules, by order of court, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a state or federal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor such holiday. *When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation.*") (emphasis added).

Respectfully submitted,

By: s/Russell G. Hines

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November 1, 2023