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SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Supreme Court

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Jennifer B. McCoy, Circuit Court Judge

Civil Action No. 2016-CP-10-01833
Court of Appeals Case No. 2021-001055
Unpublished Opinion No. 2023-UP-206 (S.C. Ct. App. filed May 31, 2023)
Supreme Court Case No. 2023-001643

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 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,

AND

Sequest Development Company, Inc., Third-Party Plaintiff/Petitioner,

v.

Architectural Products of Charleston, LLC; and Sealtight of South Carolina, LLC, Third-Party Defendants,

of which 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 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 are the Respondents.

**MOTION FOR EXTENSION OF TIME
FOR RESPONDENTS TO FILE AND SERVE RETURN TO PETITION FOR WRIT OF
CERTIORARI**

Pursuant to Rules 240 and 263(b), SCAR, Respondents jointly move for an extension of time in which to file and serve Respondents' Return to Appellant's Petition for Writ of Certiorari. Appellant's Petition for Writ of Certiorari was filed on November 13, 2023. Respondents' Return to the Petition is due thirty (30) days after service of the Petition. Rule 240, SCACR. Presently, the Return to the Petition is due on December 13, 2023. Respondents request an extension of thirty (30) days to file and serve the Return to the Petition. This is the first request for an extension filed by Respondents. The extension requested is for thirty (30) days, in lieu of twenty (20) days, as the extension would span the upcoming holiday season. The requested extension is made for good cause and is consistent with the interest of justice. Further, it will not unduly prejudice Appellant. Respondents further request that the Court hold the present deadline in abeyance until this motion is ruled upon.

For these reasons, Respondents respectfully request an extension of the deadline for filing and serving their Return to the Petition for Writ of Certiorari until January 12, 2024.

Respectfully submitted,

[Signature page follows]

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December 12, 2023

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THE STATE OF SOUTH CAROLINA

In the Supreme Court

APPEAL FROM CHARLESTON COUNTY
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The Honorable Jennifer B. McCoy, Circuit Court Judge

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AND

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of which 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 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 are the Respondents.

PROOF OF SERVICE

I certify that I have served Respondents' *Joint Motion for Extension to File and Serve Return to Petition for Writ of Certiorari* on all counsel of record via email on 12.12.23 (see attached copy of email).

I also certify that the *Joint Motion for Extension to File and Serve Return to Petition for Writ of Certiorari* and this *Proof of Service* were filed with the South Carolina Court of Appeals on December 12, 2023, via email to ctappfilings@sccourts.org.

s/ Shanna M. Stephens

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December 12, 2023

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Subject: RE: McIntire v. Sequest Development Company, Inc. et al.; Sup. Ct. Case 2023-001643; Ct. App. Case No. 2021-001055 (CR 160374)
Date: Tuesday, December 12, 2023 11:45:00 AM
Attachments: [image001.png](#)
[Motion for Extension to file Return to Petition for Writ.pdf](#)

Please find Respondents' Joint Motion for Extension of Time to file Return to Petition for Writ for service upon you in the above-referenced matter. Regards,

Shanna M. Stephens
Member

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From: Bell, Pollyana (Polly) <pbell@ycrlaw.com>
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Subject: McIntire v. Seaquest Development Company, Inc. et al.; Sup. Ct. Case 2023-001643; Ct. App. Case No. 2021-001055 (CR 160374)

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

Thank you,

Pollyana Bell
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