

**RECEIVED**

**Feb 01 2024**

**SC Court of Appeals**

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

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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

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Court of Appeals 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

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Petitioners.

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

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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)  
25 Calhoun Street, Suite 400  
Charleston, South Carolina 29401  
P.O. Box 993 (29402)  
(843) 720-5488

*Attorneys for Petitioners*

NOW COME Petitioners, Vincent J. Aiello, Jr., and Atlantic Heritage Builders, Inc., by and through their undersigned counsel, pursuant to Rule 263(b), SCACR, and 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, on the grounds stated below, hereby move for an extension of ten (10) days' time to file/serve their petition to this Court to issue a writ of certiorari to the Court of Appeals for review of its decision in this matter.

By order of this Court dated January 22, 2024, the deadline to file/serve a petition for a writ of certiorari is Thursday, February 1, 2024. Due to other time commitments, both work- and non-work-related, the undersigned counsel for Petitioners requests ten (10) additional days, beyond February 1, 2024, to prepare Petitioners' petition for a writ of certiorari, and the undersigned submits there is good cause to allow the requested dispensation, as it is in furtherance of the interests of justice, it will not result in any undue prejudice to any other party, and it is consistent with the extension protocol established by the Court's aforementioned order of July 16, 2014.

WHEREFORE, Petitioners respectfully request that this Honorable Court grant them an extension of ten (10) days' time to file/serve their petition for a writ of certiorari. With the extension requested herein, the new deadline for filing/serving their petition for a writ of certiorari would be February 12, 2024, according to the undersigned's calculations. Further, Petitioners respectfully request that the Court hold the present deadline in abeyance until it acts on this motion.

**<SIGNED ON THE FOLLOWING PAGE>**

Respectfully Submitted,  
CLEMENT RIVERS, LLP

By: s/Russell G. Hines  
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 Petitioners*

Charleston, South Carolina

February 1, 2024

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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

Petitioners.

**PROOF OF SERVICE**

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 Petitioners*

I, Russell G. Hines, of Clement Rivers, LLP, Attorneys for Petitioners, hereby certify that Petitioners' **MOTION FOR EXTENSION OF TIME TO SERVE/FILE PETITION FOR A WRIT OF CERTIORARI** was served on Respondent on February 1, 2024, via email (see attached) to Respondent's counsel of record:

Thomas J. Finn, Esquire  
FINN LAW FIRM, PC  
[thomas@finnlawfirmpc.com](mailto:thomas@finnlawfirmpc.com)

*Attorney for Respondent*

I also certify that Petitioners' **MOTION FOR EXTENSION OF TIME TO SERVE/FILE PETITION FOR A WRIT OF CERTIORARI** and **PROOF OF SERVICE** were filed with the South Carolina Court of Appeals on February 1, 2024, via email to [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org).

Respectfully submitted,  
CLEMENT RIVERS, LLP

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

Charleston, South Carolina

February 1, 2024

## Bell, Pollyana (Polly)

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**From:** Bell, Pollyana (Polly)  
**Sent:** Thursday, February 1, 2024 11:34 AM  
**To:** 'thomas@finnlawfirm.com'  
**Cc:** Hines, Russell; Justman, Aimee  
**Subject:** Lunenburg v. Aiello; Sup. Ct. Case No. 2024-000088; Ct. App. Case No. 2020-001659 (CR 190474)  
**Attachments:** 2nd Motion for Extension - petition for writ of certiorari.pdf

Enclosed please find Petitioners' Second Motion for Extension Time to Serve/File Petition for a Writ of Certiorari 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



**CLEMENT RIVERS, LLP**  
25 Calhoun Street • Suite 200 • Charleston, SC 29401  
www.clementrivers.com