

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

Appeal from Charleston County
Court of Common Pleas

Jennifer B. McCoy, Circuit Court Judge

Case No. 2015-CP-10-00955
Supreme Court Case No. 2023-001422

RECEIVED

Sep 04 2024

S.C. SUPREME COURT

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

Plaintiffs,

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 LLC; Mark Palpoint a/ka Micah Palpoint;
Elroy Alonzo Vasquez; Chris a/k/a John Doe 61; Alderman Construction;
Stanley's Vinyl Fence Designs; Cohen's Drywall Company, Inc; Mosley
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 which Palmetto Pointe at Peas Island Condominium Property Owners
Association, Inc. and Jack Love, individually, and on behalf of all others
similarly situated are the

Respondents,

and

Tri-County Roofing, Inc. is the

Petitioner.

**CONSENT MOTION FOR EXTENSION OF TIME TO SERVE/FILE
BRIEF OF RESPONDENTS**

**Counsel identified on the following page*

Edward D. Buckley, Jr. (SC Bar No. 994)
Russell G. Hines (SC Bar No. 72100)
CLEMENT RIVERS, LLP
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
(843) 724-5446

-and-

Justin O. Lucey (SC Bar No. 15438)
Joshua F. Evans (SC Bar No. 77448)
Sohayla R. Townes (SC Bar No. 102814)
Anna S. McCann (SC Bar No. 102314)
JUSTIN O'TOOLE LUCEY, P.A.
415 Mill Street
Mt. Pleasant, South Carolina 29464
P.O. Box 806 (29465)
(843) 849-8400

-and-

Stephanie D. Drawdy (SC Bar No. 70205)
JUSTIN O'TOOLE LUCEY, P.A.
615 Boone Hill Road
Summerville, South Carolina 29483
(917) 364-2122

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, and, **with the consent of Petitioner, Tri-County Roofing, Inc.**, hereby move for an extension of 5 days' time to serve/file the Brief of Respondent in this matter.

The Brief of Petitioner was served August 5, 2024, making the Brief of Respondent due September 4, 2024, pursuant to Rule 242(i), SCACR. Although Respondents counsel have nearly completed the Brief of Respondent, due to the deadline falling immediately on the heels of the Labor Day holiday, along with other time commitments, they are in need of a modest amount of additional time, and 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 the grant of such relief is warranted under the circumstances and supported by good cause, as it is in the interests of justice and will not result in any undue prejudice or delay.

WHEREFORE, Respondents respectfully request that this Honorable Court grant them an extension of 5 days' time from today, September 4, 2024, to serve/file the Brief of Respondent in this matter. With the extension requested herein, the new deadline for serving/filing the Brief of Respondent would be Wednesday, September 11, 2024, according to the undersigned's calculations.¹ Further,

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).

Respondents respectfully request that the Court hold their present deadline to serve/file the Brief of Respondent in abeyance until it acts upon this motion.

Respectfully submitted,

By: s/Russell G. Hines

Edward D. Buckley, Jr. (SC Bar No. 994)
Russell G. Hines (SC Bar No. 72100)
CLEMENT RIVERS, LLP
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
(843) 724-5446

-and-

Justin O. Lucey (SC Bar No. 15438)
Joshua F. Evans (SC Bar No. 77448)
Sohayla R. Townes (SC Bar No. 102814)
Anna S. McCann (SC Bar No. 102314)
JUSTIN O'TOOLE LUCEY, P.A.
415 Mill Street
Mt. Pleasant, South Carolina 29464
P.O. Box 806 (29465)
(843) 849-8400

-and-

Stephanie D. Drawdy (SC Bar No. 70205)
JUSTIN O'TOOLE LUCEY, P.A.
615 Boone Hill Road
Summerville, South Carolina 29483
(917) 364-2122

Attorneys for Respondents

Charleston, South Carolina

September 4, 2024