

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

69707

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

Alexander S. Macaulay, Presiding Judge Seventh Judicial Circuit

Appellate Case No.: 2012-213237

Stoneledge At Lake Keowee Owners' Association, Inc., C. Dan Carson, Jeffrey J. Dauler, Joan W. Davenport, Michael Furnari, Donna Furnari, Jessy B. Grasso, Nancy E. Grasso, Robert P. Hayes, Lucy H. Hayes, Ty Hix, Jennifer D. Hix, Paul W. Hund, III, Ruth E. Isaac, Michael D. Plourde, Mary Lou Plourde, Carol C. Pope, Steven B. Taylor, Bettie J. Taylor, and Robert White, Individually, and on behalf of all others similarly situated, Plaintiffs

v.

IMK Development Co., LLC, Keowee Townhouses, LLC, Ludwig Corporation, LLC, SDI Funding, LLC, Medallion at Keowee, LLC, Integrys Keowee Development, LLC, Marick Home Builders, LLC, Bostic Brothers Construction, Inc., Miller/Player & Associates, Bradford D. Seckinger, John Ludwig,, William Cox, Larry D. Lollis, Rick Thoennes, M Group Construction and Development, LLC, Mel Morris, Joe Bostic, Jeff Bostic, Clear View Construction, Michael Franz, MHC Contractors, Miguel Porras Choncoas, Builders FirstSource Southeast Group, Mike Green, Southern Concrete Specialties, Carl Compton d/b/a Compton Enterprize a/k/a Compton Enterprises, Gunter Heating & Air, All Pro Heating, A/C & Refrigeration, LLC, Coleman Waterproofing, Heyward Electrical Services, Inc., Tinsley Electrical, LLC, Hutch N Son Construction, Inc., Upstate Utilities, Inc., Southern Basement, Inc., Carl Catoe Construction, Inc., T.G. Construction, LLC, Delfino Construction, Francisco Javier Zarate d/b/a Zarate Construction, Alejandro Avalos Cruz, Herberito Acros Hernandez, Martin Hernandez-Aviles, Francisco Villalobos Lopez, Ambrosio Martinez-Ramirez, Ester Moran Mentado, Socorro Castillo Montel, Upstate Utilities, Inc., MJG Construction and Homebuilders, Inc. d/b/a MJG Construction, KMAC of the Carolinas, Inc., Eufacio Garcia, Everado Jarmamillo, Garcia Parra Insulation, Inc., J&J Construction, Jose Nino, Jose Manuel Garcia, Eason Construction, Inc., and Vincent Morales d/b/a Morales Masonry, and Miller/Player & Associates, Defendants,

Of Whom Marick Home Builders, LLC and Rick Thoennes are the Appellants,

And

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SC Court of Appeals

Of Whom Hutch N Son Construction, Inc., and Upstate Utilities, Inc. are the Respondents.

**MOTION TO ACCEPT RETURN TO RESPONDENT'S MOTION TO STRIKE
LATE AND/OR ALTERNATIVELY FILE OUT OF TIME**

Respondents filed a Motion to Strike and to Enforce the Court's July 10, 2013 Order on August 2, 2013. That Motion to Strike was filed contemporaneously with Respondents' Return to Appellants' Motion to Consolidate and at approximately the same time as Respondents' filed their Initial Brief which required Appellants to file a Reply. Appellants filed a Motion for Enlargement of Time to respond to the Respondent's Initial Brief and mistakenly failed to request the same time for its reply to Respondents' Motion to Strike. Therefore, any error was merely an oversight and has been corrected immediately with no prejudice to Respondent. Based upon the above, Appellant respectfully requests that the Court allow it to file the enclosed Reply to Respondents' Motion to Strike out of time or allow an enlargement of time in which to respond.

Respectfully Submitted,

Jason M. Imhoff (S.C. Bar #: 69355)
C. Reed Teague (S.C. Bar #: 79933)
The Ward Law Firm, P.A.
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ATTORNEYS FOR THE APPELLANTS

September 6, 2013

RESPONDENTS' COUNSEL OF RECORD:

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Attorney for Respondent Hutch N Son Construction, Inc.

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v.

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Of Whom Marick Home Builders, LLC and Rick Thoennes are the Appellants,

And

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Of Whom Hutch N Son Construction, Inc., and Upstate Utilities, Inc. are the Respondents.

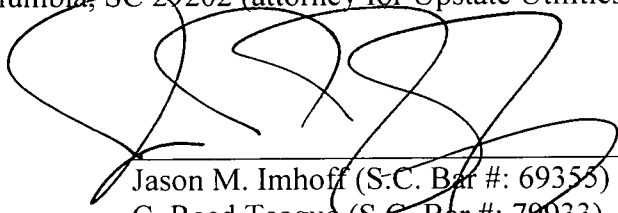
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I certify that I have served the Motion to Accept Return to Respondent's Motion to Strike Late and/or Alternatively File out of Time by depositing a copy of it in the United States Mail, First Class postage prepaid, on September 6, 2013, addressed to Respondents' attorneys of record, Shelley S. Montague, Esquire, P.O. Box 7368 Columbia, SC 29202 (attorney for Hutch N Son Construction, Inc.), and S. Markey Stubbs, Esquire P.O. Box 8057 Columbia, SC 29202 (attorney for Upstate Utilities, Inc.).



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September 6, 2013

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August 20, 2013

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11639
Columbia, SC 29211

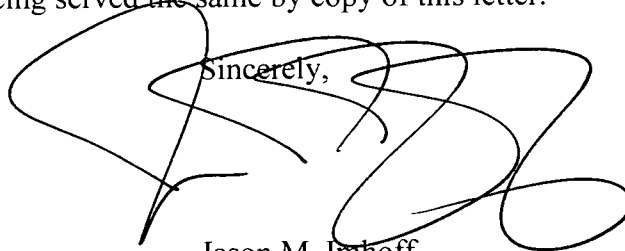
**Re: Stoneledge at Lake Keowee Owners' Association, Inc., et al. vs. IMK
Development Co., LLC, et al. vs. Michael Franz, et al.
Appellate Case No.: 2012-213237**

Dear Ms. Kitchings,

Enclosed for filing is the original and seven (7) copies of Appellants' Motion to Accept Return to Respondent's Motion to Strike Late and/or Alternatively File out of Time in the above referenced matter. Also enclosed is our firm check in the amount of \$25.00 to cover the filing fee for the motion and the original and one copy of the Proof of Service upon opposing counsel.

Please file-stamp and return the extra copies in the envelope provided for your convenience. Opposing counsel is being served the same by copy of this letter.

Sincerely,



Jason M. Imhoff

JMI/ads
Enclosure

Cc: Shelley S. Montague, Esquire
S. Markey Stubbs, Esquire

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