

70048

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas
John M. Milling, Special Referee

Case No. 2009-CP-26-11862

Harleysville Group Insurance, a Pennsylvania corporation, Appellant/Respondent,

v.

Heritage Communities, Inc., a South Carolina corporation;
Heritage Magnolia North, Inc., a South Carolina
corporation; Buildstar Corp., a South Carolina
corporation; Magnolia North Horizontal Property Regime;
Magnolia North Property Owners Assoc., Inc., a South
Carolina corporation; and National Surety Corp.,..... Defendants,

Of whom Heritage Communities, Inc., a South Carolina
corporation; Heritage Magnolia North, Inc., a South
Carolina corporation; Buildstar Corp., a South Carolina
corporation; and National Surety Corp. are Respondents,

And Magnolia North Horizontal Property Regime and
Magnolia North Property Owners Assoc., Inc., a South
Carolina corporation are Respondents/Appellants.

**Appellant/Respondent’s Motion For Extension
of Time—Consent Granted**

Appellant/Respondent Harleysville Group Insurance (“Harleysville”) hereby requests an additional 30-day extension to file its initial Response Brief. This request is made due to other case demands and scheduling reasons and to allow for time needed to prepare and file Harleysville’s initial Response Brief.

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SC Court of Appeals

This is the second extension request by Harleystville. No prejudice will be caused to any party by this additional 30-day extension. Opposing counsel has been consulted and consents to the requested extension. (See attached.)

The current due date for Harleystville's initial Response Brief is October 16, 2013. With a 30-day extension, Harleystville's Response Brief would be due on November 15, 2013. Harleystville further requests that the current deadline be held in abeyance until this Court issues an order on this motion.

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 

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Attorneys for Appellant/Respondent Harleystville

October 11, 2013
Columbia, South Carolina

Lisa Whitehurst

From: Miles Coleman
Sent: Friday, October 11, 2013 1:47 PM
To: Lisa Whitehurst
Subject: FW: briefs in Mag North and Riverwalk

From: Laura Evans [mailto:Laura.Evans@smithmoorelaw.com]
Sent: Thursday, October 10, 2013 7:53 PM
To: Mitch Brown
Subject: Re: briefs in Mag North and Riverwalk

I consent.

On Oct 10, 2013, at 7:48 PM, "Mitch Brown" <mitch.brown@nelsonmullins.com> wrote:

Laura:

I forgot to ask you for your consent. Can you please reply with your consent? Thanks!

Mitch

From: Pat Henry [mailto:PHenry@thompsonlaw.com]
Sent: Wednesday, October 09, 2013 6:19 AM
To: Mitch Brown
Subject: Re: briefs in Mag North and Riverwalk

No problem I will consent. I will probably need 2 extensions. I have a vacation planed beginning November 1.

Sent from my Verizon Wireless 4G LTE Smartphone

From: Mitch Brown
Date: 10/09/2013 12:43 AM (GMT-05:00)
To: Pat Henry <PHenry@thompsonlaw.com<mailto:PHenry@thompsonlaw.com>>
Subject: Re: briefs in Mag North and Riverwalk Hi Pat:

I would appreciate you consenting to our getting another extension to file respondents' briefs to your Appellants' briefs due to various other work deadlines and issues. Please let me know. If you need an extension to complete your appellate briefs responding to the Mag North and Riverwalk appellants' briefs, I will consent. Thanks.

Sent from my BlackBerry Wireless Handheld

Confidentiality Notice

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APPEAL FROM HORRY COUNTY
Court of Common Pleas
John M. Milling, Special Referee

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Case No. 2009-CP-26-11862
Appellate Case No. 2013-001281

Harleysville Group Insurance, a Pennsylvania corporation,..... Appellant/Respondent,

v.

Heritage Communities, Inc., a South Carolina corporation; Heritage Magnolia North, Inc., a South Carolina corporation; Buildstar Corporation, a South Carolina corporation; Magnolia North Horizontal Property Regime; Magnolia North Property Owners Association, Inc., a South Carolina corporation, and National Surety Corp.,..... Defendants.

Of whom Heritage Communities, Inc., a South Carolina corporation; Heritage Magnolia North, Inc., a South Carolina corporation; and National Surety Corp. are Respondents,

And Magnolia North Horizontal Property Regime and Magnolia North Property Owners Assoc., Inc., a South Carolina corporation are Respondents/Appellants.

PROOF OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Appellant, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:


Appellant/Respondent's Motion for Extension—Consent
Granted

Counsel Served:

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Philip C. Thompson, Esquire
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Lisa P. Whitehurst
Administrative Assistant

October 11, 2013

Nelson Mullins

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October 11, 2013

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
1015 Sumter Street - 5th Floor
Columbia, SC 29201

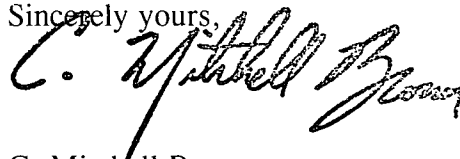
RE: Harleysville Group Insurance v. Heritage Communities, Inc., a South Carolina Corporation; Heritage Magnolia North Inc., a South Carolina Corporation; et al.
C.A. No.: 2009-CP-26-11862
Appellate Case No.: 2013-001281
Our File No.: 00470/01580

Dear Ms. Kitchings:

Enclosed please find the original and seven copies of Appellant/Respondent's Motion for an Extension of time in which to file its Response to the initial brief of Respondents/Appellants in the above-captioned matter. We would ask that you file the original and return a clocked-in copy to us via our courier. Also enclosed is our Firm check in the amount of \$25.00 as the required filing fee.

With kind regards, I remain

Sincerely yours,



C. Mitchell Brown

CMB:lpw
Enclosure

cc: John P. Henry, Esquire
Laura Johnson Evans, Esquire

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OCT 11 2013
COURT OF APPEALS