

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE OCONEE COUNTY
Court of Common Pleas

The Honorable Alexander S. Macaulay

70148

Appellate Case No. 2012-212830

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, BETTE J. TAYLOR, AND ROBERT WHITE, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED.....Appellant

v.

IMK DEVELOPMENT Co., LLC, KEOWEE TOWNHOUSES, LLC, LUDWIG CORPORATION, LLC, SDI FUNDING, LLC, MEDALLION AT KEOWEE, LLC, BRADFORD D. SECKINGER, JOHN LUDWIG, LARRY D. LOLLIS, WILLIAM C. COX, INTEGRYS KEOWEE DEVELOPMENT, LLC, MARICK HOME BUILDERS, LLC, M GROUP CONSTRUCTION AND DEVELOPMENT, LLC, BOSTIC BROTHERS CONSTRUCTION, INC., RICK THOENNES, MEL MORRIS, JOE BOSTIC, JEFF BOSTIC, CLEAR VIEW CONSTRUCTION, LLC, MICHAEL FRANZ, MHC CONTRACTORS, MIGUEL PORRAS CHONCOAS, BUILDERS FIRST SOURCE 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., CARL CATOE CONSTRUCTION, INC., T.G. CONSTRUCTION, LLC, DELFINO CONSTRUCTION, FRANCISCO JAVIER ZARATE D/B/A ZARATE CONSTRUCTION, ALEJANDRO AVALOS CRUZ, HERBERTO ACROS HERNANDEZ, MARTIN HERNANDEZ-AVILES, FRANCISCO VILLALOBOS LOPEZ, AMBROSIO MARTINEZ-RAMIREZ, ESTER MORAN MENTADO, SOCORRO CASTILLO MONTEL, UPSTATE UTILITIES, INC., SOUTHERN BASEMENTS, INC., MJG CONSTRUCTION AND HOMEBUILDERS, INC. D/B/A MJG CONSTRUCTION, KMAC, INC., D/B/A KMAC NORTH CAROLINA, 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, MILLER/PLAYER & ASSOCIATES,Defendants

Of Whom, GUNTER HEATING & AIR, ALL PRO HEATING, A/C & REFRIGERATION, LLC are Respondents,

APPELLANT'S MOTION FOR CONTINUACE OF ORAL ARGUMENT

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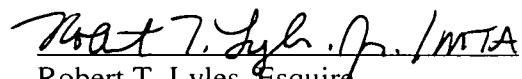
SC Court of Appeals

COME NOW Appellants, pursuant to Rule 240 of the South Carolina Appellate Court Rules, to advise the Court of the trial of the underlying case, captioned *Stoneledge at Lake Keowee owners' Association, Inc., et al., vs. IMK Development Co., LLC, et al.*, Case No. 2009-CP-37-0652, scheduled to begin on October 28, 2013, in Oconee County and is scheduled to last two weeks, and conclude on November 8, 2013. Because that conflicts with the date that this oral argument is set (November 6, 2013) counsel for Plaintiffs respectfully requests a continuance of the oral argument.

Counsel advised the Clerk of Court on September 25, 2013 of the impending trial (Exhibit "A"). However, the matter continues to remain on the roster for November 6, 2013.

THEREFORE, Appellants prays this Court grant a continuance of the Oral Argument until the next available term of court.

LYLES & LYLES, LLC

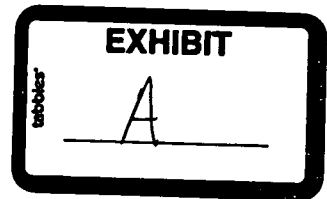
 *Robert T. Lyles, Esquire*

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ATTORNEYS FOR APPELLANT

DATED: October 15, 2013

Charleston, South Carolina



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September 25, 2013

V. Claire Allen, Deputy Clerk
South Carolina Court of Appeals
Post Office Box 11629
Columbia, S.C. 29211

Re: *Stoneledge vs. IMK Development Co., LLC, et al.*
Lower Court Case No.: 2009-CP-37-652
Appellate Case No.: 2012-212830

Dear Clerk Allen:

I am in receipt of your letter of September 16, 2013 in which you advise counsel that the appeal is scheduled for argument November 6, 2013 at 11:20 AM. The balance of the case, which remains in Oconee County, has been set for a two week trial to begin on October 28, 2013. Unless the matter resolves, I will be unable to attend the November 6th oral argument.

Please let me know how you wish to proceed.

Very truly yours,

LYLES & LYLES, LLC

A handwritten signature in black ink, appearing to be "R. Lyles, Jr.", written over a circular flourish.

Robert T. Lyles, Jr.

RTL/hch

cc: Appellate Counsel of Record (*Via Email*)
Stoneledge Litigation Committee (*Via Email*)

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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE OCONEE COUNTY
Court of Common Pleas

The Honorable Alexander S. Macaulay
Circuit Court Case No.: 2009-CP-37-0652

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, BETTE J. TAYLOR, AND ROBERT WHITE, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED.....Appellant,

v.

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Of Whom, GUNTER HEATING & AIR, ALL PRO HEATING, A/C & REFRIGERATION, LLC are Respondents.

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I certify that I have served the above Plaintiffs' Motion for Continuance of Oral Argument by depositing a copy of it in the United States Mail, First Class postage prepaid, on October 15, 2013, addressed to the following counsel:

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Danielle F. Payne, Esquire
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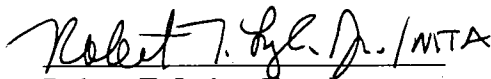
-and-

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Attorneys for Respondent Gunter Heating & Air

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
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