

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

70391

Harleysville Group Insurance, a Pennsylvania corporation,....

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.,.....

Appellant/Respondent,

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SC COURT OF APPEALS

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.

**Joint Motion for Extension of Time
and Respondents/Appellants' Motion for
Extension of Page Limits—Consent Granted**

Appellant/Respondent Harleysville Group Insurance (“Harleysville”) and
Respondents/Appellants Magnolia North Horizontal Property Regime and Magnolia
North Property Owners Assoc., Inc. (collectively “the Property Owners”) hereby
jointly request an additional 30-day extension to file their initial briefs as respondents.
This request is made due to other case demands, required travel for a Fourth Circuit

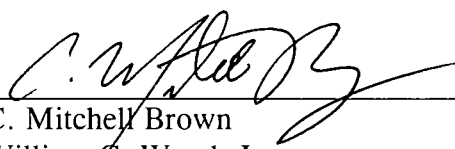
argument, the vacation of counsel for the Property Owners, and to allow for time needed to prepare and file both parties' briefs as respondents. No prejudice will be caused to either party by this additional 30-day extension. Counsel for both parties have consulted and jointly consent to the requested extension. (See attached.)

The current due date for Harleysville's initial brief as respondent is November 15, 2013. The current due date for the Property Owners' initial brief as respondent is November 18, 2013. With a joint 30-day extension, both parties' briefs as respondents would be due on December 18, 2013. The parties further request that the current deadlines be held in abeyance until this Court issues an order on this motion.

In addition, the Property Owners request the right to expand the pages for its brief to 60 pages. This request is due to the number of issues involved in the appeal. Counsel for Harleysville consents to this request. (See attached). Laura Evans has also consented to this motion. (see attached).

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

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Attorneys for Respondents/Appellants

November 12, 2013

Attachment

Lisa Whitehurst

Subject: FW: Heritage coverage matters

----- Original Message -----

From: Laura Evans [<mailto:Laura.Evans@smithmoorelaw.com>]
Sent: Friday, November 08, 2013 03:26 PM
To: Mitch Brown
Cc: Karin.McCarthy@rivkin.com <Karin.McCarthy@rivkin.com>
Subject: RE: Heritage coverage matters

Fine with us.

-----Original Message-----

From: Mitch Brown [<mailto:mitch.brown@nelsonmullins.com>]
Sent: Friday, November 08, 2013 3:23 PM
To: Laura Evans
Subject: Heritage coverage matters

Laura:

Due to Pat Henry's vacation and various other deadlines, both Pat's client and ours are going to seek a joint extension for our briefs. Would you please respond to this with your consent? Many thanks.

Mitch

Sent from my BlackBerry Wireless Handheld Confidentiality Notice

Miles Coleman

Subject: RE: Re:

From: Pat Henry [mailto:PHenry@thompsonlaw.com]
Sent: Thursday, November 07, 2013 11:52 AM
To: Mitch Brown
Subject: RE: Re:

Perfect

Sent from my Verizon Wireless 4G LTE Smartphone

----- Original message -----

From: Mitch Brown <mitch.brown@nelsonmullins.com>
Date: 11/07/2013 11:25 AM (GMT-05:00)
To: Pat Henry <PHenry@thompsonlaw.com>
Subject: RE: Re:

Yes, I will send along a draft joint consent motion for all of us and will also do the same for the extended page motion.

From: Pat Henry [mailto:PHenry@thompsonlaw.com]
Sent: Thursday, November 07, 2013 9:51 AM
To: Mitch Brown
Subject: Re:

Yes. Will u consent? I am also going to move to extend the pages by 10. Will u also consent to this?

Sent from my Verizon Wireless 4G LTE Smartphone

----- Original message -----

From: Mitch Brown <mitch.brown@nelsonmullins.com>
Date: 11/07/2013 9:04 AM (GMT-05:00)
To: Pat Henry <PHenry@thompsonlaw.com>
Subject: Re:

Sure. Are you going to seek another extension based on your vacation?

Sent from my BlackBerry Wireless Handheld

From: Pat Henry [mailto:PHenry@thompsonlaw.com]
Sent: Thursday, November 07, 2013 09:00 AM
To: Mitch Brown

Subject:

Would u please have your assistant email a copy of your Riverwalk brief to my assistant shall@thompsonlaw.com. Somehow my copy disappeared while I was on vacation. Thanks

Sent from my Verizon Wireless 4G LTE Smartphone

Confidentiality Notice

This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged, confidential or otherwise legally exempt from disclosure.

If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately either by phone (800-237-2000) or reply to this e-mail and delete all copies of this message.

To ensure compliance with the requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including the attachments) is not intended or written to be used, for the purpose of (a) avoiding penalties under the Internal Revenue Code or (b) promoting, marketing or recommending to another party any transaction or tax-related matter[s]. To provide you with a communication that could be used to avoid penalties under the Internal Revenue Code will necessarily entail additional investigations, analysis and conclusions on our part.

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
Appellate Case No. 2013-001281

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SC COURT OF APPEALS

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:

Joint Motion for Extension of Time and
Respondents/Appellants' Motion for Extension of Page
Limits - Consent Granted

Counsel Served:

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Philip C. Thompson, Esquire
Thompson & Henry
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Rivkin Radler
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Uniondale, NY 11556



Lisa P. Whitehurst
Administrative Assistant

November 18, 2013

Nelson Mullins

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November 12, 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 the parties' Joint Motion for an Extension of Time in which to file their briefs as respondents and Respondents/Appellants Motion for an Extension of Page Limits for their brief as respondents 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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SC Court of Appeals