

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

70352

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

Case No. 2009-CP-26-10053

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

v.

Heritage Communities, Inc., a South Carolina corporation;
Heritage Riverwalk, a South Carolina corporation;
Buildstar Corp., a South Carolina corporation; Riverwalk at
Arrowhead Country Club Horizontal Property Regime;
Riverwalk at Arrowhead Country Club Property Owners
Assoc., Inc., a South Carolina Corporation; National
Surety Corp.; and Tony L. Pope and Lynn Pope,
individually and representing as a class all unit owners at
Riverwalk at Arrowhead Country Club Horizontal Property
Regime,

Defendants,

Of whom Heritage Communities, Inc., a South Carolina
corporation; Heritage Riverwalk, a South Carolina
corporation; Buildstar Corp., a South Carolina corporation;
National Surety Corp.; and Tony L. Pope and Lynn Pope,
individually and representing as a class all unit owners at
Riverwalk at Arrowhead Country Club Horizontal Property
Regime are.....

Respondents,

And Riverwalk at Arrowhead Country Club Horizontal
Property Regime and Riverwalk at Arrowhead Country
Club Property Owners Assoc., Inc., are

Respondents/Appellants.

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

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SC Court of Appeals

Appellant/Respondent Harleysville Group Insurance (“Harleysville”) and
Respondents/Appellants Riverwalk at Arrowhead Country Club Horizontal Property

Regime and Riverwalk at Arrowhead Country Club Property Owners Assoc., Inc. (collectively “the Property Owners”) hereby jointly request additional 30-day extensions 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.)

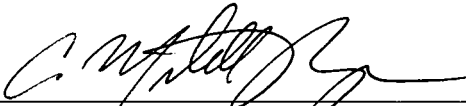
The current due date for Harleysville’s initial brief as respondent is November 15, 2013. The current due date for the Property Owners’ initial brief as respondent is November 18, 2013. With a joint 30-day extension, both parties’ briefs as respondents would be due on December 18, 2013. The parties further 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). The consent of Laura Evans is also attached hereto.

Signature Page Attached

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

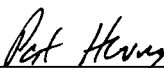
By:  _____

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Attorneys for Appellant/Respondent Harleysville

THOMPSON & HENRY

By:  _____ *by C. Mitchell Brown w/ permission*

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(843) 248-5741

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-26-10053
Appellate Case No. 2013-001291

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

v.

Heritage Communities, Inc., a South Carolina
corporation; Heritage Riverwalk, a South Carolina
corporation; Buildstar Corporation, a South
Carolina corporation; Riverwalk at Arrowhead
Country Club Horizontal Property Regime;
Riverwalk at Arrowhead Country Club Property
Owners Association, Inc., a South Carolina
corporation; National Surety Corp., and Tony L.
Pope and Lynn Pope, individually and representing
as a class all unit owners at Riverwalk at
Arrowhead Country Club Horizontal Property
Regime, Defendants.

Of whom Heritage Communities, Inc., a South
Carolina corporation; Heritage Riverwalk, a South
Carolina corporation; Buildstar Corporation, a
South Carolina corporation; National Surety Corp.,
and Tony L. Pope and Lynn Pope, individually and
representing as a class all unit owners at Riverwalk
at Arrowhead Country Club Horizontal Property
Regime, Respondents,

And Riverwalk at Arrowhead Country Club
Horizontal Property Regime; Riverwalk at
Arrowhead Country Club Property Owners
Association, Inc. are, Respondents/Appellants.

PROOF OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Appellant/Respondent, 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:

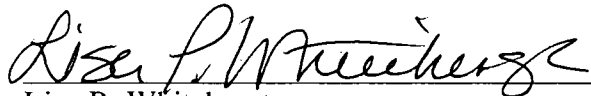
Joint Motion for Extension of Time and Respondents/Appellants'
Motion for Extension of Page Limits - Consent Granted

Counsel Served:

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Karin McCarthy, Esquire
Rivkin Radler
926 RXR Plaza
Uniondale, NY 11556



Lisa P. Whitehurst
Administrative Assistant

November 12, 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

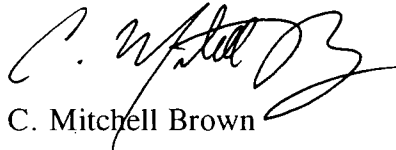
RE: Harleysville Group Insurance v. Heritage Communities, Inc., a South Carolina Corporation; Heritage Riverwalk, a South Carolina Corporation; et al.
C.A. No.: 2009-CP-26-10053
Appellate Case No.: 2013-001291
Our File No.: 00470.01581

Dear Ms. Kitchings:

Enclosed please find the original and seven copies of the parties' Joint Motion for Extension of Time in which to file their briefs as respondents and Respondents/Appellants Motion for 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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