

**RECEIVED**

**Feb 12 2026**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM SPARTANBURG COUNTY  
Court of Common Pleas

Grace G. Knie, Circuit Court Judge

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Appellant Case No. 2025-002050  
Lower Court Case No. 2017-CP-42-02374

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Richard Lewis and Walter Lewis, Respondents/Appellants,

v.

Robert M. Errato, Quinnipiac Associates, Inc. and Upwards Builders, Inc., Defendants,

Of Which Robert M. Errato..... Appellant/Respondent.

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**MOTION FOR EXTENSION OF TIME OR ALLOW LATE FILING**

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The undersigned does hereby move, Pursuant to Rule 263(b) of South Carolina Appellate Court Rules, for an Order extending the time within which the Respondents/Appellants shall file and serve the Respondents/Appellants' Return To Appellant/Respondent's Motion to Dismiss in the above-captioned matter, which current deadline may have been January 24, 2026 if proper service had been accomplished. The undersigned respectfully requests an additional thirty (30) days within which to file and serve such matters, which would make the Respondents/Appellants' Return to the Motion due on March 13, 2026, or the Court's grace to allow a late filing, if the response is in fact late.

This Motion is due to Pro Se Appellant/Respondent failing to properly serve the Motion upon Respondent. Specifically, although Appellant/Respondent provided a Proof of Service in

his filing, the Motion was not electronically filed and served on Respondents/Appellants' counsel of record, nor was it delivered via U.S. Mail. (**Exhibit A, Affidavits**). As such, Respondents/Appellants were not aware of the Motion deadlines, if in fact a deadline has passed, and/or served properly with the Motion. Respondent/Appellants also reached out to the Appellate Court Clerk several times (January 29, 2026 and February 3, 2026) to ask about deadlines as the parties both filed appeals which were recently consolidated. Finally, this Motion is not for the purpose of delay, was an honest error and/or confusion over the status of service, and the appeal is meritorious.

Respectfully submitted,

**IMHOFF LAW FIRM, LLC**

*s/ Jason M. Imhoff*

Jason M. Imhoff (SC Bar # 69355)

37 Villa Road, Suite 420

Greenville, South Carolina 29615-3038

Telephone: (864) 412-1963

[jason@imhoff-law.com](mailto:jason@imhoff-law.com)

*Attorney for Respondents/Appellants Richard Lewis  
and Walter Lewis*

February 12, 2026

Pro Se Appellant/Respondent:

Robert M. Errato

3000 Whitney Avenue

PMB 109

Hamden, CT 06518

*Appellant/Respondent*

EXHIBIT A

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM SPARTANBURG COUNTY  
Court of Common Pleas

Grace Gilchrist Knie, Circuit Court Judge

---

Appellate Case No. 2025-002400  
Lower Court Case No. 2017-CP-42-02374

---

Richard Lewis and Walter Lewis,

Respondents/Appellants,

v.

Robert M. Errato, Quinnipiac Associates, Inc.  
and Upwards Builders, Inc,

Appellant/Respondent.

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**AFFIDAVIT OF NON-SERVICE**

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PERSONALLY appeared before me, Jason M. Imhoff, who first being duly sworn, deposes  
and says:

1. That he is the attorney for Respondents.
2. That the matters contained within this Affidavit are within my personal knowledge and are just, true, and correct;
3. That Appellant Robert M. Errato served a Motion to Dismiss via email on January 6th, 2026 with a Proof of Service alleging that it was sent via U.S. Mail.
4. That Respondents' counsel has never received a properly served copy of the motion via mail from Appellant.

EXHIBIT A

5. That, as of the day of the signing of this Affidavit, no motion has been properly served upon Respondents or Respondents' counsel.

  
\_\_\_\_\_  
Jason M. Imhoff  
*Attorney for Respondents/Appellants*

SWORN BEFORE ME THIS 12th  
DAY OF FEBRUARY, 2026.

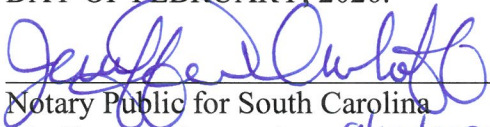
  
\_\_\_\_\_  
Notary Public for South Carolina  
My Commission expires: 9/12/2034



EXHIBIT A

THE STATE OF SOUTH CAROLINA  
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APPEAL FROM SPARTANBURG COUNTY  
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Robert M. Errato, Quinnipiac Associates, Inc.  
and Upwards Builders, Inc,

Appellant/Respondent.

---

**AFFIDAVIT OF NON-SERVICE**

---

PERSONALLY appeared before me, Rachel Evans, who first being duly sworn, deposes and says:


1. That she is the paralegal for Respondents.
2. That the matters contained within this Affidavit are within my personal knowledge and are just, true, and correct;
3. That Appellant Robert M. Errato served a Motion to Dismiss via email on January 6th, 2026 with a Proof of Service alleging that it was sent via U.S. Mail.
4. That Respondents' counsel has never received a properly served copy of the motion via mail from Appellant.

## EXHIBIT A

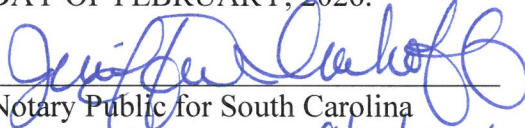
5. I am responsible for retrieving mail from the firm's onsite mail box.
6. No Motion to Dismiss was received by me, this firm, or delivered to the firm or onsite mailbox.
7. That, as of the day of the signing of this Affidavit, no motion has been properly served upon Respondents or Respondents' counsel.

EXHIBIT A

AFFIANT FURTHER SAYETH NAUGHT.

  
\_\_\_\_\_  
Rachel Evans  
*Paralegal for Jason M. Imhoff*

SWORN BEFORE ME THIS 12th  
DAY OF FEBRUARY, 2026.

  
\_\_\_\_\_  
Notary Public for South Carolina  
My Commission expires: 9/12/2034



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Of Which Robert M. Errato..... Appellant/Respondent.

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**PROOF OF SERVICE**

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I certify that I have served the Motion for Extension on Robert M. Errato by depositing a copy of it in the United States Mail, postage prepaid, and electronic mail on February 12, 2026, addressed to Robert M. Errato, 3000 Whitney Avenue, PMB 109, Hamden, CT 06518.

February 12, 2026

*s/ Jason M. Imhoff*

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Jason M. Imhoff (SC Bar # 69355)  
37 Villa Road, Suite 420  
Greenville, South Carolina 29615-3038  
Telephone: (864) 412-1963  
[jason@imhoff-law.com](mailto:jason@imhoff-law.com)

*Attorney for Respondents/Appellants Richard Lewis  
and Walter Lewis*