

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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2nd

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

RECEIVED

Alexander S. Macaulay, Presiding Judge Seventh Judicial Circuit

DEC 19 2013

Appellate Case No. 2013-001401

SC Court of Appeals

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.....Plaintiffs

IMK Development Co., LLC, Keowee Townhouses, LLC, Ludwig Corporation, LLC, SDI Funding, LLC, Medallion at Keowee, LLC, Integrys Keowee Development, LLC, Marick Home Builders, LLC, Bostic Brothers Construction, Inc., Miller/Player & Associates, John Ludwig, 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., MJG Construction and Homebuilders, Inc. d/b/a MJG Construction, KMAC of the Carolinas, Inc., 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/Player & Associates,Defendants

Of Defendants, Marick Home Builders, LLC and Rick ThoennesAppellants,

Of Defendants, Builders FirstSource—Southeast Group, Carl Catoe Construction, Inc. and Catoe's Subcontractors T.G. Construction, LLC, Martin Hernandez-Aviles, Ester Moran Mentado, Hérberto Arcos Hernandez, Francisco Javier Zarate d/b/a Zarate Construction ("Zarate Construction"), Alejandro Avalos Cruz, Francisco Villalobos Lopez, and Socorro Castillo Montel.....Respondents

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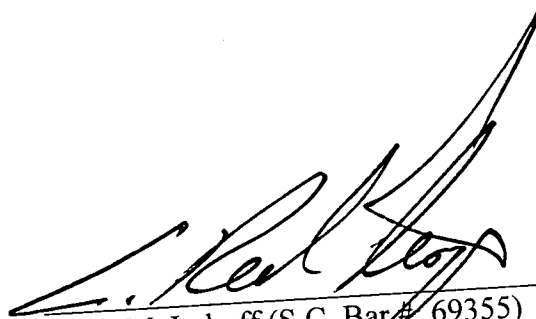
SECOND MOTION FOR EXTENSION OF TIME

Pursuant to Rule 263 of South Carolina Appellate Court Rules, the Appellants, Marick Home Builders, LLC and Rick Thoennes, hereby move for an extension of time in which to file their Initial Brief. Appellants previously received a 30-day extension of time to file the appellant brief in this matter which is currently due on December 27, 2013.

Appellants have filed a nearly identical appeal in the following three cases: 2013-001403, 2013-001401 and 2013-001404 (hereinafter "The Appeals"). The Appeals were filed on the same day and refer to the same transcripts of proceedings. The Appellants received the Transcript of Proceedings from the Court reporter on October 28, 2013. On October 28, 2013, a two-week trial began concerning Phase I of a bifurcated trial in Oconee County. Thus, upon receiving the transcript, Appellants were not able to work on the Appeals which concern Phase II of construction, due to the trial of Phase I of construction.

Once the trial was over, Appellants filed a Motion for extension of time to file the Initial Brief. As the Court can see, Appellants' Initial Brief in all three appeals are due on December 27, 2013. Due to the circumstances concerning the amount of work that Appellants will have to perform to file three separate briefs two days after Christmas, Appellants respectfully request an additional twenty (20) day extension to file the Initial Brief in this matter.

Appellants respectfully ask that the Court grant this extension to January 16, 2014 and the deadline for this request be held in abeyance until such time as the court rules upon this Motion.



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December 13, 2013

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PROOF OF SERVICE

I certify that I have served the Motion for Extension of Time on Respondents by depositing a copy of it in the United States Mail, First Class postage prepaid, on December 13, 2013, addressed to Respondents' attorneys of record, Ronald G. Tate, Jr., Esquire, PO Box 10589, Greenville, SC 29603 (attorney for Carl Catoe Construction, Inc.), Dana W. Lang, Esquire, PO Box 999, Charleston, SC, 29402 (attorney for Carl Catoe Construction, Inc.), K. Lindsay Terrell, Esquire, 1164 Woodruff Road, Greenville, SC, 29607 (attorneys for TG Construction, LLC), D. Andrew Williams, Esquire, PO Box 1473, Columbia, SC 29202 (attorneys for Martin Hernandez-Aviles), Steven P. Hughes, Esquire, PO Box 40, Beaufort, SC 29901 (attorneys for Ester Moran Mentado), Elizabeth Martineau, PO Box 31188, Charlotte, NC 28231 (attorneys for Herberto Acros Hernandez), Finley B. Clarke, Esquire, PO Box 1865, Florence, SC 29503 (attorneys for Francisco Javier Zarate d/b/a Zarate Construction, Paul E. Hammack, Esquire, 223 West Stone Avenue, Suite 100, Greenville, SC, 29609 (attorney for Alejandro Avalos Cruz), Christopher G. Lewis, Esquire 22 South Park Square, Suite 800, Asheville, NC, 28801 (attorneys for Francisco Villalobos Lopez), and Geoffrey Gibbon, Esquire, PO Box 2980, Greenville, SC, 29602 (attorneys for Socorro Castillo Montel).



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December 16, 2013

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