

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM OCONEE COUNTY  
Court of Common Pleas

Alexander S. Macaulay, Presiding Judge Seventh Judicial Circuit

70722

Appellate Case No. 2013-001404

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, Herberito 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 Thoennes .....Appellants,

Of Defendants, Builders FirstSource—Southeast Group, LLC, Southern Concrete Specialties, Inc., Clear View Construction, LLC and Michael Franz.....Respondents

SECOND MOTION FOR EXTENSION OF TIME

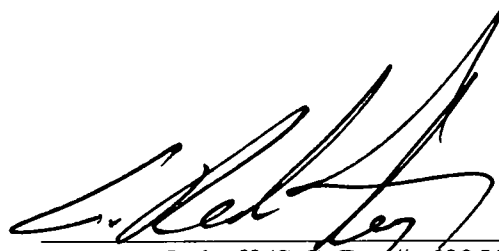
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DEC 19 2013  
SC Court of Appeals

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

RESPONDENTS' COUNSEL OF RECORD:

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APPEAL FROM OCONEE COUNTY  
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Appellate Case No. 2013-001404

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Of Defendants, Marick Home Builders, LLC and Rick Thoennes .....Appellants,

Of Defendants, Builders FirstSource—Southeast Group, LLC, Southern Concrete Specialties, Inc., Clear View Construction, LLC and Michael Franz.....Respondents

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PROOF OF SERVICE

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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, Lindsay L. Builder, Esquire, 127 Dunbar Street, Suite 200 Spartanburg, SC 29306 (attorney for Clear View Construction, LLC and Michael Franz), Mason A. Goldsmith, Esquire, PO Box 1887, Greenville, SC, 29602 (attorney for Southern Concrete Specialties), and David A. Root, Esquire, PO Box 13897, Charleston, SC, 29422 (attorney for Builders FirstSource)



Amanda D. Steward  
Paralegal to Jason M Imhoff

December 16, 2013

RESPONDENTS' COUNSEL OF RECORD:

Michael B.T. Wilkes, Esquire  
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December 13, 2013

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

*Re Stoneledge at Lake Keowee Owners' Association, Inc., et al. vs. IMK  
Development Co., LLC, et al. vs. Michael Franz, et al.  
Appellate Case No. 2013-001404*

Dear Ms. Kitchings,

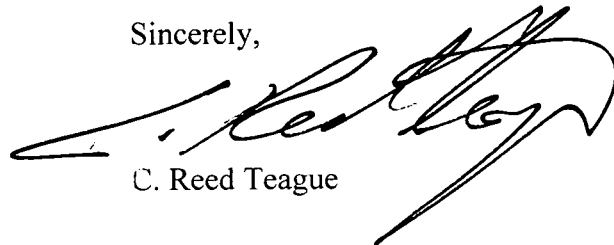
Enclosed for filing is the original and seven (7) copies of Appellants' Motion for Extension of Time in which to file their Initial Brief. The current deadline was December 27, 2013.

The new deadline for Appellant to file their Initial Brief will be January 16, 2014 if the extension of time is granted. This request for an extension of time is warranted and has not been interposed to delay the case.

Also enclosed is our firm check in the amount of \$25.00 to cover the filing fee for the motion and the original and one copy of the Proof of Service upon opposing counsel.

Please file-stamp and return the extra copies in the envelope provided for your convenience. Opposing counsel is being served the same by copy of this letter.

Sincerely,



C. Reed Teague

CRT/ads  
Enclosure

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DEC 19 2013

SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
December 13, 2013  
Page 2

Cc: Michael B.T. Wilkes, Esquire  
David A. Root, Esquire

Mason A. Goldsmith, Esquire