

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM THE OCONEE COUNTY
Court of Common Pleas

SC COURT OF APPEALS

The Honorable Alexander S. Macaulay

Appellate Case No. 2013-001401

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,

v.

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., SOUTHERN BASEMENTS, INC., MJG CONSTRUCTION AND HOMEBUILDERS, INC. D/B/A MJG CONSTRUCTION, KMAC, INC., D/B/A KMAC NORTH CAROLINA, 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,.....Defendants

Of whom Marick Home Builders, LLC and Rick Thoennes are theAppellants,
and

Builders First Source Southeast Group, Carl Catoe Construction, Inc., and Catoe's Subcontractors T.G. Construction, LLC, Martin Hernandez-Aviles, Ester Moran Mentado, Herberto Arcos Hernandez, Francisco Javier Zarate, d/b/a Zarate Construction ("Zarate Construction"), Alejandro Avalos Cruz, Francisco Villalobos Lopez, and Socorro Castillo Montel are theRespondents.

Bostic Construction, Inc.,Third Party Plaintiffs,

v.

Southern Stone, Inc., and Buck Smith Construction,Third Party Defendants.

**MOTION FOR EXTENSION OF TIME TO FILE
RESPONDENTS' INITIAL BRIEF AND DESIGNATION OF MATTER**

Respondents, Builders First Source-Southeast Group, Carl Catoe Construction, Inc., T.G. Construction, LLC, Martin Hernandez-Aviles, Ester Moran Mentado, Herberto Arcos Hernandez, Francisco Javier Zarate, d/b/a Zarate Construction ("Zarate Construction"), Alejandro Avalos Cruz, Francisco Villalobos Lopez, and Socorro Castillo Montel, hereby move the Court for an Order extending the time for Respondents to file their Initial Brief by thirty (30) days until March 19, 2014. The original due date is February 16, 2014. This Motion is made on the grounds that counsel for Respondents needs additional time to compile file materials and research applicable case law. Appellant's counsel, Jason Imhoff, has kindly consented to the Motion.

Respectfully submitted,

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By: 

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DATED: February 19, 2014

Charleston, South Carolina

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE OCONEE COUNTY
COURT OF COMMON PLEAS

THE HONORABLE ALEXANDER S. MACAULAY

APPELLATE CASE No. 2013-001401

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,

v.

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., SOUTHERN BASEMENTS, INC., MJG CONSTRUCTION AND HOMEBUILDERS, INC. D/B/A MJG CONSTRUCTION, KMAC, INC., D/B/A KMAC NORTH CAROLINA, 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,..... DEFENDANTS,

OF WHOM MARICK HOME BUILDERS, LLC AND RICK THOENNES ARE THE APPELLANTS,
AND

BUILDERS FIRST SOURCE SOUTHEAST GROUP, CARL CATOE CONSTRUCTION, INC., AND CATOE'S SUBCONTRACTORS T.G. CONSTRUCTION, LLC, MARTIN HERNANDEZ-AVILES, ESTER MORAN MENTADO, HERBERTO ARCOS HERNANDEZ, FRANCISCO JAVIER ZARATE, D/B/A ZARATE CONSTRUCTION ("ZARATE CONSTRUCTION"), ALEJANDRO AVALOS CRUZ, FRANCISCO VILLALOBOS LOPEZ, AND SOCORRO CASTILLO MONTEL ARE THE RESPONDENTS.

BOSTIC CONSTRUCTION, INC., THIRD PARTY PLAINTIFFS,

v.

SOUTHERN STONE, INC., AND BUCK SMITH CONSTRUCTION, THIRD PARTY DEFENDANTS.

PROOF OF SERVICE

I certify that I have served the Motion for Extension of Time to File Respondents' Initial Brief and Designation of Matter on all counsel of record by delivering same electronically, via email, or in the alternative by depositing a copy of it in the United States Mail, First Class postage prepaid, this 19th day of February, 2014 addressed to the following:

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February 19, 2014

The Honorable V. Claire Allen
Attention: Amelia
Deputy Clerk, South Carolina Court of Appeals
1015 Sumter Street.
Columbia, South Carolina 29201

Re: *Stoneledge vs. IMK Development (Marick v. Builders-First Source)*
Appellate Case Number: 2013-001401

Dear Amelia:

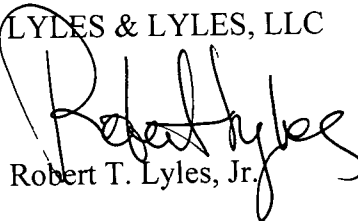
Please find enclosed for filing the original and seven (7) copies of the Respondents' Motion for Extension of Time to File Initial Brief and Designation of Matter in the above referenced appeal. Please cause the original to be filed and return a clocked copy to me in the enclosed and self-addressed stamped envelope provided for your convenience.

By copy of this letter I am providing the enclosure to all counsel of record.

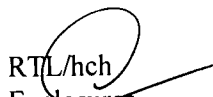
Thank you, and with kindest regards, I remain

Very truly yours,

LYLES & LYLES, LLC



Robert T. Lyles, Jr.



RTL/hch
Enclosures

cc: Counsel of Record

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Charleston, SC 29401

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The Honorable V. Claire Allen
Attention: Amelia
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