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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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MAY 12 2014

SC Court of Appeals

Appeal from Charleston County
Court of Common Pleas

Roger M. Young, Sr., Circuit Court Judge

Case No. 2010-CP-10-9672

Hayden Jeffords, individually, and on behalf of All Others Similarly Situated, Titus Gudel, Harold S. McEwan, D. Everett Walker, Paul Kane, Jeanne Debosh, Margarita Staudt, Leslie Anne O'Neal, Trivette C. Hatcher, William Scanlon, Delia Scanlon, Christy C. Parish, Joseph LaDue, Deborah LaDue, Pamela Snyder, Steven Goldberg, Brent McClaine, Brian Rasmussen, McKenzie Hutaff, Brian Kavanagh, Lynn Harris, and Kenneth A. Brown, Plaintiffs,

Of Whom Titus Gudel, Harold S. McEwan, William Scanlon, Delia Scanlon, Steven Goldberg, Brent McClaine, McKenzie Hutaff, Lynn Harris, and Kenneth A. Brown are the Secondary Appellants,

and

Of Whom John Zohlen, Mary Zohlen, Leslie Anne O'Neal, and Trivette C. Hatcher are the Respondents.

v.

East Bridge Town Lofts, LLC, a/k/a East Bridge, LLC, a/k/a East Ridge Homes, LLC a/k/a East Bridge Lofts, LLC; Central 3, LLC; Creekstone East Bridge, LLC; Creekstone SC I, LLC; Alexandra Road Investors, LLC; Creekstone Management, LLC; Creekstone Management, Inc.; Donald K. Henry; Everett Jackson; Steve Keller; Edward Michael Washburn; Kevin Ball; East Coast Carpentry a/k/a ECC Contracting, LLC; Fuller Drywall & Paint, Ltd.; Delta Mechanical, Inc. a/k/a Carolina Delta Mechanical; Wasson Electric Heating & Air; Bay Club Homes, LLC; Terracon Consultants, Inc.; Salvador Rubalcaba d/b/a Rubalcaba Construction, Defendants,

Of Whom East Bridge Town Lofts, LLC, a/k/a East Bridge, LLC, a/k/a East Ridge Homes, LLC, a/k/a East Bridge Lofts, LLC; Central 3, LLC; Creekstone East Bridge, LLC; Creekstone SC I, LLC; Alexandra Road Investors, LLC; Creekstone Management, LLC; Creekstone Management, Inc.; Donald K. Henry; Everett Jackson; Steve Keller; Edward Michael Washburn; and Kevin Ball are the Primary Appellants,

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5/7
6-6

v.

East Bridge Lofts, LLC; Central 3, LLC; Creekstone Eastbridge, LLC; and Creekstone SC I, LLC; Alexandra Road Investors, LLC; Creekstone Management, LLC; Donald K. Henry; Everett Jackson; Steve Keller; Edward Michael Washburn; Kevin Ball; and Bay Club Homes, LLC; Third-Party Plaintiffs,

v.

Robert Wasson and Barbara Wasson, individually and d/b/a Wasson Electric Heating & Air; and Charleston Chimney Services, Inc., Third-Party Defendants.

RESPONDENTS' MOTION FOR BRIEFING EXTENSION

YOUNG CLEMENT RIVERS, LLP
Edward D. Buckley, Jr.
Russell G. Hines
P.O. Box 993
Charleston, SC 29402
(843) 577-4000

-and-

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*Attorneys for Respondents John Zohlen,
Mary Zohlen, Leslie Anne O'Neal, and
Trivette C. Hatcher*

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TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS

COME NOW the Respondents, John Zohlen, Mary Zohlen, Leslie Anne O'Neal, and Trivette C. Hatcher (hereinafter, the "Respondents"), by and through their undersigned counsel, pursuant to Rule 263, SCACR, and, upon the following grounds, respectfully move this Honorable Court for a 30-day extension of the deadline for filing/serving the Respondents' initial brief and corresponding designation of matter to be included in the record on appeal.

1. On October 28, 2013, the Court filed an Order dismissing this matter in its entirety.

2. In accordance with Rule 221, after the passage of fifteen (15) days from the filing of the Court's October 28, 2013, Order of dismissal, with no petition for rehearing being received by the Court, the matter was remitted to the lower court on November 13, 2013.

3. On December 19, 2013, Appellants East Bridge Town Lofts, LLC, a/k/a East Bridge, LLC, a/k/a East Ridge Homes, LLC, a/k/a East Bridge Lofts, LLC, Central 3, LLC, Creekstone East Bridge, LLC, Creekstone SC I, LLC, Alexandra Road Investors, LLC, Creekstone Management, LLC, Creekstone Management, Inc., Donald K. Henry, Everett Jackson, Steve Keller, Edward Michael Washburn, and Kevin Ball (herein referred to collectively as the "Appellants") filed a Motion for Rehearing, contending that the remittitur was sent down in error because their appeal (one of two appeals taken in this case) was dismissed in error.¹

¹ The present "Appellants" were formerly known as the "Primary Appellants" when this appeal had two sets of appellants. The appeal taken by the former "Secondary Appellants" was dismissed.

4. On April 7, 2014, this Honorable Court filed an Order recalling the remittitur and reinstating the Appellants' appeal and providing that the Respondents' initial brief and designation of matter were due within thirty (30) days thereof, i.e., by May 7, 2014.

5. On account of an inordinate number of work-related and other time commitments of late, the undersigned is in need of additional time to prepare the Respondents' brief.

6. The undersigned respectfully submits that the allowance of the requested extension is supported by good cause in that it is consistent with the interests of justice and will work no undue prejudice upon the Appellants.

WHEREFORE, the Respondents move for a 30-day extension (from the present May 7, 2014, deadline), which, if the Court is inclined to grant it, place their deadline for filing/serving their initial brief and corresponding designation of matter at June 6, 2014. Moreover, the Respondents would ask that the Court hold their present briefing/designation deadline in abeyance pending its ruling on this motion.

<SIGNED ON THE FOLLOWING PAGE>

Respectfully submitted,

YOUNG CLEMENT RIVERS, LLP

By: 

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Trivette C. Hatcher*

Charleston, South Carolina

Dated: 5/6/14

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Roger M. Young, Sr., Circuit Court Judge

SC Court of Appeals

Case No. 2010-CP-10-9672

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Of Whom Titus Gudel, Harold S. McEwan, William Scanlon, Delia Scanlon, Steven Goldberg, Brent McClaine, McKenzie Hutaff, Lynn Harris, and Kenneth A. Brown are the Secondary Appellants,

and

Of Whom John Zohlen, Mary Zohlen, Leslie Anne O'Neal, and Trivette C. Hatcher are the Respondents.

v.

East Bridge Town Lofts, LLC, a/k/a East Bridge, LLC, a/k/a East Ridge Homes, LLC a/k/a East Bridge Lofts, LLC; Central 3, LLC; Creekstone East Bridge, LLC; Creekstone SC I, LLC; Alexandra Road Investors, LLC; Creekstone Management, LLC; Creekstone Management, Inc.; Donald K. Henry; Everett Jackson; Steve Keller; Edward Michael Washburn; Kevin Ball; East Coast Carpentry a/k/a ECC Contracting, LLC; Fuller Drywall & Paint, Ltd.; Delta Mechanical, Inc. a/k/a Carolina Delta Mechanical; Wasson Electric Heating & Air; Bay Club Homes, LLC; Terracon Consultants, Inc.; Salvador Rubalcaba d/b/a Rubalcaba Construction, Defendants,

Of Whom East Bridge Town Lofts, LLC, a/k/a East Bridge, LLC, a/k/a East Ridge Homes, LLC, a/k/a East Bridge Lofts, LLC; Central 3, LLC; Creekstone East Bridge, LLC; Creekstone SC I, LLC; Alexandra Road Investors, LLC; Creekstone Management, LLC; Creekstone Management, Inc.; Donald K. Henry; Everett Jackson; Steve Keller; Edward Michael Washburn; and Kevin Ball are the Primary Appellants,

v.

East Bridge Lofts, LLC; Central 3, LLC; Creekstone Eastbridge, LLC; and Creekstone SC I, LLC; Alexandra Road Investors, LLC; Creekstone Management, LLC; Donald K. Henry; Everett Jackson; Steve Keller; Edward Michael Washburn; Kevin Ball; and Bay Club Homes, LLC; Third-Party Plaintiffs,

v.

Robert Wasson and Barbara Wasson, individually and d/b/a Wasson Electric Heating & Air; and Charleston Chimney Services, Inc., Third-Party Defendants.

PROOF OF SERVICE

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***Attorneys for Respondents John Zohlen,
Mary Zohlen, Leslie Anne O'Neal, and
Trivette C. Hatcher***

I, Russell G. Hines, of Young Clement Rivers, LLP, do hereby certify that a copy of the **Respondents' Motion for Briefing Extension** was sent to all counsel via united states mail, postage pre-paid on May 6, 2014 addressed as follows:

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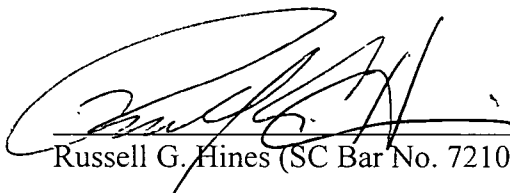
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Respectfully submitted,

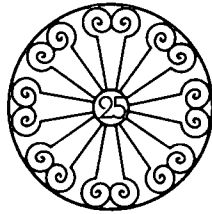
YOUNG CLEMENT RIVERS, LLP



Russell G. Hines (SC Bar No. 72100)

Charleston, South Carolina

Dated: 5/6/14



YCR LAW
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Associate

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May 6, 2014

VIA U.S. MAIL

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Hayden Jeffords et al. vs. East Bridge Town Lofts et al.
Circuit Case No.: 2010-CP-10-9672
Appellate Case No.: 2012-213351
YCR File No.: 14096-20090424

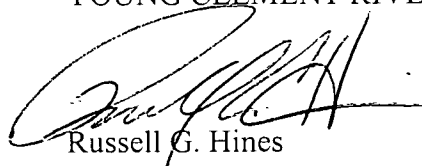
Dear Ms. Kitchings:

Enclosed for filing in the above-referenced matter please find the original and seven (7) copies of the **Respondents' Motion for Briefing Extension** along with a **Proof of Service** for the same and the required \$25 filing fee. Kindly return a stamped copy of the motion and proof of service to our office in the envelope provided. Of course, please let me know if you have any questions or concerns.

With best wishes and kindest regards, I am

Sincerely,

YOUNG CLEMENT RIVERS, LLP



Russell G. Hines

RGH/amj

cc: (all below via U.S. Mail)
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Joshua F. Evans, Esquire, Justin O'Toole Lucey, P.A.
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The Honorable Jenny Abbott Kitchings

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