

73124

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

APPEAL FROM THE OCONEE COUNTY
Court of Common Pleas

AUG 07 2014

The Honorable Alexander S. Macaulay

SC Court of Appeals

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.

**RESPONDENTS MOTION FOR EXTENSION OF TIME TO FILE
RESPONSE TO MOTION TO STRIKE**

Respondents, Builders FirstSource - 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, Alejandro Avalos Cruz, Francisco Villalobos Lopez, and Socorro Castillo Montel, hereby move the Court for an Order extending the time for Respondents to file a Response to Appellant's Motion to Strike to **August 18, 2014**, granting them an additional ten (10) days. The grounds for this motion are:

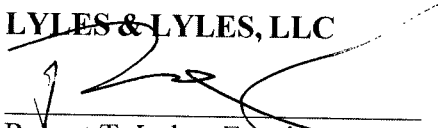
1. The Motion to Strike was received while counsel was on three week vacation;
2. No response date to the motion was calendared;
3. Counsel received the letter from the Court of Appeals on August 4, 2014 indicating a response date of August 7, 2014;
4. Counsel has been unable to coordinate a response with co-counsel and needs additional time to accommodate his schedule.

Counsel requests the Court grant an extension of time to allow for coordination of resources therefore Respondents' herein request this Court grant an extension of ten (10) days to **August 18, 2014**.

Respectfully submitted,

By:

~~LYLES & LYLES, LLC~~


Robert T. Lyles, Esquire
S. C. Bar #10299
342 East Bay Street
Post Office Box 773 (29402)
Charleston, South Carolina 29401
T: 843.577.7730
F: 843.577.7172
Email: rtl@lylesfirm.com

COUNSEL FOR RESPONDENTS

August 7, 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. 2013-01401

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, INTEGRY'S 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 Respondents' Motion for Extension of Time to File Response to Appellant's Motion to Strike 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 6th day of August, 2014 addressed to the following:

Jason M. Imhoff, Esquire
Carl Reed Teague, Esquire
The Ward Law Firm, P.A.
Post Office Box 5663
Spartanburg, S.C. 29304
jimhoff@wardfirm.com
**Attorney for Marick Home Builders,
LLC, and Rick Thoennes**

David Root, Esquire
Kernodle, Root & Coleman
Post Office Box 13897
Charleston, S.C. 29422
droot@kernodlslaw.com
**Attorney for Builders FirstSource
Southeast Group, LLC**

K. Lindsay Terrell, Esquire
Chris Smith, Esquire
Clarkson Walsh Rheney & Terrell, PA
1164 Woodruff Road
Greenville, SC 29607
lterrell@clarksonwalsh.com
csmith@clarksonwalsh.com
**Attorney for T. G. Construction,
LLC**

D. Andrew Williams, Esquire
Joshua D. Shaw, Esquire
Turner Padgett Graham & Laney, PA
Post Office Box 1473
Columbia, SC 29202
dwilliams@turnerpadget.com
jshaw@turnerpadget.com
**Attorneys for Defendant Martin
Hernandez-Aviles**

Mason A. Goldsmith
Kenneth Jay Anthony
Elmore Goldsmith, PA
Post Office Box 1887
Greenville, SC 29602
mag@elmoregoldsmith.com
janthony@elmoregoldsmith.com
**Attorneys for Southern Concrete
Specialties, Inc.**

Paul E. Hammack, Esquire
Clawson & Staubes, LLC
223 W. Stone Avenue, Suite 100
Greenville, SC 29609
phammack@clawsonandstaubes.com
Attorney for Alejandro Avalos Cruz

Elizabeth Martineau, Esquire
Eric W. Rowell, Esquire
Martineau King, PLLC
Post Office Box 31188
Charlotte, NC 28231
emartineau@martineauking.com
erowell@martineauking.com
**Attorneys for Herberto Acros
Hernandez**

Christopher G. Lewis, Esquire
Teague Campbell Dennis & Gorham
22 South Park Square, Suite 800
Asheville, NC 28801
clweis@tcdg.com
**Attorney for Francisco Villalobos
Lopez**

Stephen P. Hughes, Esquire
William T. Young, Esquire
Howell Gibson & Hughes, PA
Post office Box 40
Beaufort, SC 29901
steve@hgpha.com
byoung@hgpha.com
Attorneys for Ester Moran Mentado

Geoffrey Gibbon, Esquire
Thomas Chase, Esquire
McAngus Goudelock & Courier
Post Office Box 2980
Greenville, SC 29602
ggibbon@mgclaw.com
**Attorneys for Socorro Castillo
Montel**

Greg Horton, Esquire
Matthew Tillman, Esquire
Womble Carlyle, PLLC
Post Office Box 999
Charleston, S.C. 29402
ghorton@wcsr.com
mtillman@wcsr.com
**Attorney for Carl Catoe
Construction, Inc.**

Finley B. Clarke, Esquire
Clarke Johnson Peterson McLean, PA
Post Office Box 1865
Florence, SC 29503
fclarke@cjplmlaw.com
**Attorneys for Francisco Javier
Zarate d/b/a Zarate Construction**

LYLES & LYLES, LLC

Robert T. Lyles, Esquire

LYLES & LYLES, LLC
ATTORNEYS AT LAW
342 East Bay Street
P.O. Box 773 (29402)
Charleston, South Carolina 29401
Telephone: (843) 577-7730
Facsimile: (843) 577-7172

Robert T. Lyles
Member

(843) 577-7730
E-mail: rtl@lylesfirm.com

August 6, 2014

VIA FEDERAL EXPRESS

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

Re: *Stoneledge vs. IMK Development (Marick v. Builders-First Source, et al.)*
Appellate Case Number: 2013-01401

Dear Clerk:

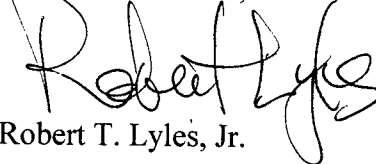
Enclosed you will please find the original and seven (7) copies of Respondents' Motion for Extension of Time to File Response to Appellant's Motion to Strike, along with our firm check in the amount of \$25.00 as the filing fees for said Motion. Please cause the original and six (6) copies to be filed with the court, and return the extra stamped clocked copy to me in the enclosed, self-addressed, and stamped envelope provided for your convenience.

By copy of this letter I am providing the enclosure to all counsel of record by email and/or mail as set forth in the Proof of Service included with the motion.

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 (*Via Email*)

RECEIVED

AUG 07 2014

SC Court of Appeals