

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Clifton Newman, Circuit Court Judge

Case No. 2010-CP-26-03901

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NOV 19 2015

SC Court of Appeals

Rivergate Homeowners'
Association,

Appellant,

v.

WW & LB Development
Company, LLC, RWG, Inc.,
Aiello Associates, Daniels
Engineering, Inc., Rivergate
Homeowners' Association,
Rivergate Homeowners'
Association Board of
Directors, Wayne
Winderman, individually,
Salvatrice Foran, individually,
Gerald Foran, individually,
Marcos Soares Construction,
William C. DeSouza,
individually, James Eason
individually and d/b/a James
Eason & Company, D&D
Cleaning and Construction,
Inc., Joel's Framing, Joe
Freza, Aroldo Garcia, Joaquin
Geraldo Zeferinao,
individually and d/b/a
Zeferino Framing, Leo
Trombley, Judy Schultz, J&D
Interior Design, Jose
Dasmerces d/b/a J.P.
Construction, Scott Chandler

d/b/a Coastal Custom
Windows & Doors, R&D
Construction, Nicasio
Ramirez Zunigo, Walchir
Morais, Marco Trebbi,
Blankenship Roofing,
Inc., DLJ Construction,
LLC, Dewayne Bates, The
Bates Group, LLC, Bridges
Construction Co., Brewer
Construction, Inc., Speedy
Concrete, REB-FEL, Inc.,
Mark Mychajluk, Eric
Jazwinski, Southern
Framing Corporation,
AB Consulting
Engineers, Inc., WWI
Development
Company, LLC, Michael
Dawson Construction,
Inc., Asphalt Paving &
Maintenance Co., Inc.
and Chuck's Construction
Co., Inc., Right Way
Group, Inc., Stevens
Construction Co., Inc.,
Geometrics, Inc., Eric
Yazwinski, Law
Engineering, Inc., D & M
Builders, Inc., Hill
Construction Company,
Bonnie Stone a/k/a
Bonny Stone, DJL
Construction Company,
L.L.P., Adrian Mondragon,
individually and d/b/a
Mondragon Construction,
Inc., and Glen Causey,

Defendants,

Of Whom Speedee Concrete,
Inc. and Chuck's Construction,
Inc. are the

Respondents.

Chuck's Construction Co., Inc.,

Third-Party Plaintiff,

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v.

Vereen Concrete Co., Inc. and
Asphalt Pavement Maintenance
of Myrtle Beach, Inc.,

Third-Party Defendants,

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Appellant,

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Company, LLC, Speedy
Concrete, AB Consulting
Engineers, Inc., and Chuck's
Construction Co., Inc.,

Defendants,

Of Whom AB Consulting
Engineers, Inc. is the

Respondent.

REPLY OF APPELLANT RIVERGATE HOA
TO RETURN OF RESPONDENTS SPEEDY CONCRETE
AND CHUCK'S CONSTRUCTION

The undersigned attorney, Counsel for Appellant Rivergate Homeowners' Association, submits this Reply to the Returns filed by Respondents Speedy Concrete and Chuck's Construction in response to Appellant's Motion to Serve the Record on Appeal Out of Time.

Speedy Concrete served its initial brief and Designation of Matter to be Included in the Record on Appeal on Appellant on August 28, 2015. Thereafter, on September 9, 2015, Appellant filed a Motion for Extension of Time to File Initial Reply Brief. On September 14, 2015, the Court of Appeals granted Appellant's motion and extended the

Appellant's deadline to file the initial reply brief to September 30, 2015. After much discussion and review, Appellant decided not to file an initial Reply Brief and assumed the thirty days to serve and file the Record on Appeal began to run from that date. On November 2, 2015, Appellant prepared and served the Motion to Serve the Record on Appeal Out of Time because Appellant was unable to gather the approximately 1200 pages of documents to be included in the Record on Appeal, as well as have all the volumes bound, by the Appellant's assumed deadline of October 30, 2015.

Rule 263(b), SCACR, provides that the time prescribed by the appellate court rules for performing any act, except the time for serving the notice of appeal, may be extended by the appellate court, or by any judge thereof.

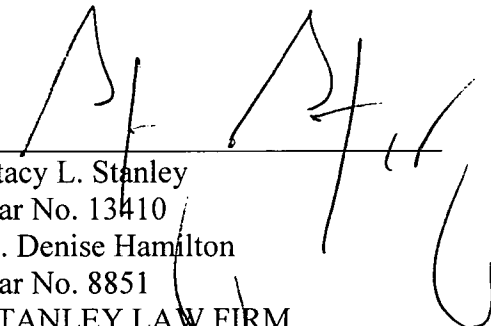
Appellant contends the Respondents have suffered no prejudice as a result of the Record on Appeal not being served until November 12, 2015. Significantly, the Respondents, Speedy Concrete and Chuck's Construction, do not allege they have suffered any prejudice.

Furthermore, the Record on Appeal contains no surprise for Respondents. They are well aware of the documents included in the Record on Appeal since the Record only includes the documents listed in the four Designations of Matter to be Included in the Record on Appeal that were previously served by Appellant and the Respondents. In fact, Appellant served its Designation of Matter to be Included in the Record on Appeal on Respondents on July 2, 2015. The last Designation of Matter was served by Speedy Concrete on all parties on August 28, 2015.

Finally, it is important to note that the Record on Appeal was served on the Respondents on November 12, 2015.

Accordingly, Appellant respectfully requests the Court of Appeals to grant its Motion to Serve the Record on Appeal Out of Time.

Dated: November 17, 2015



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Vereen Concrete Co., Inc. and
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Rivergate Homeowners'
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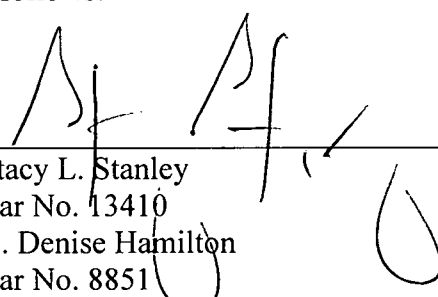
Respondent.

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PROOF OF SERVICE

I certify that I have served the Appellant's Reply on the following Respondents, Speedy Concrete, AB Consulting Engineers, Inc., and Chuck's Construction Co., Inc., by depositing a copy of it in the United States Mail, postage prepaid, on November 17, 2015, addressed to their attorneys of record as follows:

Dated: November 17, 2015



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SC Court of Appeals

November 17, 2015

VIA U.S. Mail

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

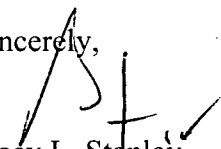
Re: *Rivergate Homeowners' Association v. WW & LB Development Company, LLC,*
et al.
Appellate Case No. 2015-000248

Dear Ms. Kitchings:

Regarding the above-referenced case, please find enclosed an original and seven copies each of Appellant's Reply to the Returns filed by Respondents Speedy Concrete and Chuck's Construction and Proof of Service on the Respondents. Please file this Reply and Proof of Service and return the clocked additional copy to me in the enclosed self-addressed, stamped envelope.

By copy of this letter, I am serving the same upon opposing counsel. Thank you for your time and attention. I look forward to hearing from you soon.

Sincerely,


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Enclosure
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cc: Stephanie Burton, Esquire
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