

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

J.C. Nicholson, Jr., Circuit Court Judge

Appellate Case, No. 2016-2339
Case No. 2014-CP-08-2424

PATRICIA DAMICO, AND LENNA)
LUCAS, Individually and on behalf of all)
other similarly situated, JOSHUA AND)
BRETTANY BUETOW, EDWARD)
AND SYLVIA DENG, JONATHAN)
AND THERESA DOUGLASS,)
ANTHONY AND STACEY RAY,)
DANNY AND ELLEN DAVIS)
MORROW, CZARA AND CHAD)
ENGLAND, BRYAN AND CYNTHIA)
CAMARA, AND MATTHEW)
COLLINS,)
))
Plaintiffs,)
))
v.)
))
LENNAR CAROLINAS, LLC, SPRING)
GROVE PLANTATION)
DEVELOPMENT, INC., MANALE)
LANDSCAPING, LLC, SUPER)
CONCRETE OF SC, INC., SOUTHERN)
GREEN, INC. TJB)
TRUCKING/LEASING, LLC,)
PARAGON SITE CONSTRUCTORS,)
INC., CIVIL SITE ENVIRONMENTAL)
AND RICK BRYANT, Individually.)
))
Defendants.)
))

RECEIVED
FEB 15 2017
SC Court of Appeals

LENNAR CAROLINAS, LLC,)

Third Party Plaintiff,)

THE EARTHWORKS GROUP, INC.,)
VOLKMAR CONSULTING)
SERVICES, LLC, GEOMETRICS)
CONSULTING, LLC, LAND/SITE)
SERVICES, INC., MYERS)
LANDSCAPING, INC., A.C. & A.)
CONCRETE, INC., KNIGHT'S)
CONCRETE PRODUCTS, INC.,)
KNIGHT'S REDI-MIX, INC.,)
COASTAL CONCRETE SOUTHEAST,)
LLC, COASTAL CONCRETE)
SOUTHEAST II, LLC, GUARANTEED)
FRAMING, LLC, OZZY)
CONSTRUCTION, LLC,)
CONSTRUCTION APPLICATORS)
CHARLESTON, LLC, LA NEW)
ENTERPRISES, LLC, DÉCOR)
CORPORATION, DVS, INC., RAUL)
MARTINEZ MASONRY, LLC, ALPHA)
OMEGA CONSTRUCTION GROUP,)
INC., SOUTH CAROLINA)
EXTERIORS, LLC, BUILDERS)
FIRSTSOURCE-SOUTHEAST GROUP,)
LLC, AND LOW COUNTRY)
RENOVATIONS AND SIDING, LLP,)

Third-Party Defendants.)

DÉCOR CORPORATION,)

Fourth Party Plaintiff,)

v.)

BARANOV FLOORING, LLC, DJ)
CONSTRUCTION SERVICES, LLC,)
CREATIVE WOOD FLOORS, LLC,)
GERALDO CUNHA, EBENEZER)
FLOORING, LLC, ENMANUEL)
FLOORING AND SIDING, LLC, EUSI)

FLOORING AND COVERING, LLC,)
NICOLAS FLORES, ALEXANDER)
MARTINEZ, ISIDRU MEJIA, JUAN)
PEREZ SON, ERNESTO M. PEREZ,)
N&B CONSTRUCTION, LLC, JOSE)
DIAS RODRIGUES, LIVIA SOUSA,)
JOSE BETIO PEREIRA, JOSE PAZ)
CASTRO HERNANDEZ, DIVINIO)
APERECIDO CORGOSINHO,)
RICARDO CHICHE, CEBS)
CONSTRUCTION, BAYSHORE)
SIDING AND FLOORING, SEBASTIO)
LUIZ DE ARAUJO, AND JOHN DOES)
1-4,)

Fourth-Party Defendants.)

DVS, Inc.)

Fourth-Party Plaintiff,)

v.)

Sousa Construction, LLC, Lima)
Construction, LLC, N&B Construction,)
LLC, Itatiaia Construction, LLC, and JC)
Contractors, LLC,)

Fourth-Party)
Defendants.)

South Carolina Exteriors, LLC,)

Fourth-Party Plaintiff,)

v.)

Juan Garza Ramos d/b/a Juan)
Constructors,)

Fourth-Party Defendant.)

Alpha Omega Construction Group, Inc.)

Fourth-Party Plaintiff,)
)
v.)
)
Garcia Roofing, LLC, Juan Garza)
Ramos, Jose Vera, and Espino Roofing,)
LLC,)
)
Fourth-Party)
Defendants.)
<hr/>	
Guaranteed Framing, LLC,)
)
Fourth-Party Plaintiff,)
)
v.)
)
First Construction, LLC, JC Contractors,)
LLC, Jessica Marroquin d/b/a Marroquin)
Construction, and Unique Framing, LLC,)
)
Fourth-Party Defendants.)
<hr/>	

Of which Lennar Carolinas, LLC is the Appellant and Patricia Damico; Joshua and Brettany Buetow; Bryan and Cynthia Camara; Matthew Collins; Edward and Sylvia Dengg; Jonathan and Theresa Douglass; Czara and Chad England; Lenna Lucas; Danny and Ellen Davis Morrow; Anthony and Stacey Ray; and Defendants and Third-Party Defendants A.C.&A. Concrete, Inc.; Alpha Omega Construction Group, Inc.; Builders FirstSource-Southeast Group, LLC; Coastal Concrete Southeast, LLC; Coastal Concrete Southeast II, LLC; Construction Applicators Charleston, LLC; Civil Site Environmental, Inc.; Décor Corporation; DVS, Inc.; Guaranteed Framing, LLC; Knight's Concrete Products, Inc.; Knight's Redi-Mix, Inc.; LA New Enterprises, LLC; Land/Site Services, Inc.; Manale Landscaping, LLC; Myers Landscaping, Inc.; Ozzy Construction, LLC; Raul Martinez Masonry, LLC; South Carolina Exteriors, LLC; Southern Green, Inc.; Spring Grove Plantation Development, Inc.; Super Concrete of SC, Inc.; TJB Trucking/Leasing, LLC; and Volkmar Consulting Services, LLC are the Respondents.

**APPELLANT'S SECOND MOTION FOR EXTENSION OF
TIME TO FILE INITIAL BRIEF**

NOW COMES Appellant Lennar Carolinas, LLC ("Appellant") by and through its undersigned counsel, and respectfully moves the Court pursuant to Rule 224, SCACR, for a second thirty day extension of time to and including April 5, 2017, to file and serve its Initial Brief and Designation of Matter to be Included in the Record of Appeal in this case. In support thereof Appellant shows the Court the following:

1. Appellant's time for filing and serving its Initial Brief and Designation of Matter to be Included in the Record of Appeal has not expired.
2. Counsel for Plaintiff Respondents consents to the requested extension as shown on the correspondence attached as Exhibit A.¹
3. Additionally, counsel for Appellant has had unexpected demands from other matters including several upcoming depositions.
4. Appellant needs additional time to prepare its Initial Brief and Designation of Matter to be included in the Record on Appeal.
5. A thirty day extension of time for Appellant to file its Initial Brief and Designation of Matter to be included in the Record on Appeal will serve the interests of justice by allowing counsel adequate time to prepare a thorough and detailed brief in this case.
6. Appellant does not request this extension for the impermissible purpose of delay.

WHEREFORE, Appellant Lennar Carolinas, LLC respectfully moves the Court for a thirty

¹ Due to the number of Defendant Respondents, Appellant has not contacted Defendant Respondents to seek consent.

day extension of time to and including April 5, 2017, to file and serve Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal.

February 13, 2017



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Pro Se Respondents

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Pro Se Respondents

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Exhibit A

From: John Hayes [mailto:jhayes@hayeslaw.org]
Sent: Thursday, February 09, 2017 2:11 PM
To: McGee, Jenna K.
Subject: Re: Abbey appeal - extension

Of course. No objection.

John Hayes
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843.573.7388 (Fax)
Jhayes@hayeslaw.org

On Feb 9, 2017, at 9:15 AM, McGee, Jenna K. <jennamcgee@parkerpoe.com> wrote:

John,

I am planning to ask the Court of Appeals for an extension to file Lennar's initial brief. Do you have any objection?

Thanks,
Jenna

Jenna McGee
Partner



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Office: 843.727.6302 | Fax: 843.727.2680 | vcard | map

Visit our website at
www.parkerpoe.com

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MORROW, CZARA AND CHAD)
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CAMARA, AND MATTHEW)
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v.)

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CONCRETE OF SC, INC., SOUTHERN)
GREEN, INC. TJB)
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Defendants.)

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CONSTRUCTION APPLICATORS)

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CORPORATION, DVS, INC., RAUL)

MARTINEZ MASONRY, LLC, ALPHA)

ÓMEGA CONSTRUCTION GROUP,)

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Contractors, LLC,)

Fourth-Party)
Defendants.)

South Carolina Exteriors, LLC,)

Fourth-Party Plaintiff,)

v.)

Juan Garza Ramos d/b/a Juan)
Constructors,)

Fourth-Party Defendant.)

Alpha Omega Construction Group, Inc.)

Fourth-Party Plaintiff,)
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v.)
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Garcia Roofing, LLC, Juan Garza)
Ramos, Jose Vera, and Espino Roofing,)
LLC,)
)
Fourth-Party)
Defendants.)
)
Guaranteed Framing, LLC,)
)
Fourth-Party Plaintiff,)
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LLC, Jessica Marroquin d/b/a Marroquin)
Construction, and Unique Framing, LLC,)
)
Fourth-Party Defendants.)

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PROOF OF SERVICE

I certify that I have served Appellant's Second Motion for Extension of Time to File Initial Brief on all Respondents by depositing a copy of it in the United States Mail, postage prepaid, on February 13, 2017, addressed to the following:

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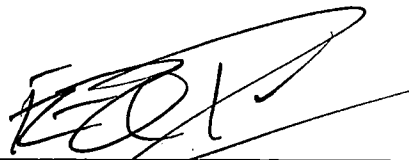
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Greenville, SC
Raleigh, NC
Spartanburg, SC

February 13, 2017

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

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Re: *Damico, et al. v. Lennar Carolinas, LLC, et al.*
Appellate Case No.: 2016-2339
Case No. 2014-CP-08-2424

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SC Court of Appeals

Dear Ms. Kitchings:

Enclosed for filing please find an original and seven copies of Appellant's Second Motion for Extension of Time to File Initial Brief and Proof of Service, along with a check for the filing fee. Please file the original and return a file-stamped copy to me in the enclosed self-addressed stamped envelope.

Please contact me if you have any questions, and thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'FEQIV', written over a horizontal line.

F. Elliotte Quinn IV

FEQiv/kjg
Enclosures

cc: All Counsel of Record (via email and US mail)
Edward and Sylvia Dengg (via US Mail with enclosures)
Anthony and Stacey Ray (via US Mail with enclosures)

PPAB 3580994v1



U.S. POSTAGE >> PITNEY BOWES



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02 4W
0000343301 FEB. 13. 2017.



Parker Poe

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FEB 15 2017

SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
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Columbia, SC 29211