

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

APR 10 2017

SC Court of Appeals

Deadra L. Jefferson, Circuit Court Judge

Case No. 2013-CP-10-03326
Appellate Case No. 2017-000474

Ex Parte: Liberty Mutual Fire Insurance Company,..... Appellant.

v.

In re: Waverly at Hamlin Plantation Townhome
Association, Inc., Respondent,

v.

John Wieland Homes and Neighborhoods of the
Carolinas, Inc. as successor by statutory merger to John
Wieland Homes and Neighborhoods of South Carolina,
Inc., John Wieland Homes of Charleston, Inc., John
Wieland Homes, Inc., Builders Support Services of the
Carolinas, Inc. and Wheelock Street Capital, LLC d/b/a
John Wieland Homes and Neighborhoods, Inc., Respondents,

and

John Wieland Homes and Neighborhoods of the
Carolinas, Inc., as successor by statutory merger to John
Wieland Homes and Neighborhoods of South Carolina,
Inc., John Wieland Homes of Charleston, Inc., John
Wieland Homes Inc., Builders Support Services of the
Carolinas, Inc..... Respondents,

v.

Barr Construction, Inc., Benjamin Mora d/b/a Mora
Construction, a/k/a Benjamin Mora Construction, LLC,
Builders FirstSource, Inc., a/k/a Builders FirstSource-
Southeast Group, LLC, a/k/a Builders FirstSource-
Atlantic Group, LLC, DBC Construction Services, LLC,
Eli, Inc., Gerardo Rosette Sanchez a/k/a GR Painting,
Jorge Medina, Jorge Medina a/k/a JMC Construction,
LLC a/k/a JMC Construction, Inc., Jesus Mora a/k/a J.
Mora Brick & Block Mason, LLC, Juan Luis Sanchez,
Juan Luis Sanchez a/k/a Sanchez Brothers Painting,

Latitude Construction Services, LLC, The Muhler
Company, Inc., Paul M. Vasquez, Richard Ditullio,
Richard Ditullio a/k/a RDT Contracting, LLC,.....

Respondents.

MOTION FOR AN EXTENSION OF TIME

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, Appellant Liberty Mutual Fire Insurance Company (“Appellant”) respectfully requests a thirty (30) day extension of time to file the Initial Brief of Appellant and Designation of Matter in the above-captioned appeal. This is the second request for an extension of time.

This request is necessitated due to undersigned counsel’s numerous other work conflicts, scheduling deadlines, other court appearances/filings, and travel obligations. Moreover, counsel for Appellant has suffered an extended illness that has prevented him from completing work obligations. Currently, Appellant’s Initial Brief and Designation of Matter are due on April 19, 2017. Appellants request a thirty (30) day extension of time until May 19, 2017.

Therefore, Appellant requests that this Court enter an order extending the deadline for the Initial Brief of Appellant and Designation of Matter until May 19, 2017. Appellant requests that the current deadline be held in abeyance while the Court considers this request.

Signature on Following Page

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: C. Mitchell Brown by Blake T. Williams

C. Mitchell Brown

SC Bar No. 12872

Brian P. Crotty

SC Bar No. 16983

Blake T. Williams

SC Bar No. 100794

NELSON MULLINS RILEY & SCARBOROUGH LLP

1320 Main Street/17th Floor

Columbia, SC 29211

(803) 799-2000

Robert C. Calamari

SC Bar No. 064985

NELSON MULLINS RILEY & SCARBOROUGH LLP

3751 Robert M. Grissom Parkway, Suite 300

Myrtle Beach, SC 29577

(843) 448-3500

*Attorneys for Appellant Liberty Mutual Fire Insurance
Company*

Columbia, South Carolina

April 10, 2017

RECEIVED
APR 10 2017
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
Deadra L. Jefferson, Circuit Court Judge

Case No. 2013-CP-10-03326
Appellate Case No. 2017-000474

Ex Parte: Liberty Mutual Fire Insurance Company, Appellant.

v.

In re: Waverly at Hamlin Plantation Townhome
Association, Inc., Respondent,

v.

John Wieland Homes and Neighborhoods of the
Carolinas, Inc. as successor by statutory merger to John
Wieland Homes and Neighborhoods of South Carolina,
Inc., John Wieland Homes of Charleston, Inc., John
Wieland Homes, Inc., Builders Support Services of the
Carolinas, Inc. and Wheelock Street Capital, LLC d/b/a
John Wieland Homes and Neighborhoods, Inc., Respondents,

and

John Wieland Homes and Neighborhoods of the
Carolinas, Inc., as successor by statutory merger to
John Wieland Homes and Neighborhoods of South
Carolina, Inc., John Wieland Homes of Charleston,
Inc., John Wieland Homes Inc., Builders Support
Services of the Carolinas, Inc. Respondents,

v.

Barr Construction, Inc., Benjamin Mora d/b/a Mora
Construction, a/k/a Benjamin Mora Construction, LLC,
Builders FirstSource, Inc., a/k/a Builders FirstSource-
Southeast Group, LLC, a/k/a Builders FirstSource-
Atlantic Group, LLC, DBC Construction Services,
LLC, Eli, Inc., Gerardo Rosette Sanchez a/k/a GR
Painting, Jorge Medina, Jorge Medina a/k/a JMC
Construction, LLC a/k/a JMC Construction, Inc., Jesus
Mora a/k/a J. Mora Brick & Block Mason, LLC, Juan
Luis Sanchez, Juan Luis Sanchez a/k/a Sanchez

Brothers Painting, Latitude Construction Services,
LLC, The Muhler Company, Inc., Paul M. Vasquez,
Richard Ditullio, Richard Ditullio a/k/a RDT
Contracting, LLC,..... Respondents.

PROOF OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Liberty Mutual Fire Insurance Company, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

Motion for an Extension of Time

Counsel Served:

Attorneys for Waverly @ Hamlin Plantation Townhome Association, Inc.

John C. Hayes IV
Mary-Margaret Fitzhenry Noland
HAYES LAW FIRM LLC
180 Meeting Street, Suite 330
Charleston, SC 29401

Ivon Keith McCarty
MCCARTY LAW FIRM, PC
Post Office Box 30055
Charleston, SC 29417

Jesse Sanchez
THE LAW OFFICE OF JESSE SANCHEZ
98½ Broad Street, Suite B
Charleston, SC 29401

Attorneys for AC Construction Inc.

Caroline Coward McIntosh
Kevin W. Mims
LUZURIAGA MIMS, LLP
50 Immigration Street, Suite 200
Charleston, SC 29403

Attorneys for Barr Construction Inc.

Erin DuBose Dean
TUPPER GRIMSLEY & DEAN, PA
Post Office Box 2055
Beaufort, SC 29901-2055

Attorneys for Benjamin Mora Construction LLC, Benjamin Mora, Mora Construction

Jonathan J. Anderson
Curtis Brent Martin
ANDERSON REYNOLDS & STEPHENS, LLC
Post Office Box 87
Charleston, SC 29402

Attorneys for Builder Support Services of the Carolinas, Inc., John Wieland Homes and Neighborhoods of South Carolina, Inc., John Wieland Homes and Neighborhoods of the Carolinas, Inc., John Wieland Homes Inc., John Wieland Homes of Charleston, Inc.

Christy Ford Allen
WILLS MASSALON & ALLEN LLC
Post Office Box 859
Charleston, SC 29402

Andrew Elliott Haselden
Justin Paul Novak
HOWSER NEWMAN & BESLEY, LLC
215 East Bay Street, Suite 303
Charleston, SC 29401

Theodore Luke Manos
ROBERTSON HOLLINGSWORTH & FLYNN
177 Meeting Street, Suite 300
Charleston, SC 29401

***Attorneys for John Wieland Homes and Neighborhoods Inc.,
Wheelock Street Capital LLC***

Marvin D. Infinger
Cheryl D. Shoun
NEXSEN PRUET, LLC
Post Office Box 486
Charleston, SC 29402

***Attorneys for JMC Construction, Inc., JMC Construction, LLC,
Jorge Medina***

Christopher M. Adams
Andrew N. Cole
COLLINS & LACY, PC
Post Office Box 12487
Columbia, SC 29211

Attorneys for Juan Luis Sanchez, Sanchez Brothers Painting

Julian Kane Allen
ALLEN LAW
Post Office Box 12429
Charleston, SC 29422

Sarah Louise Fragale
TURNER PADGET GRAHAM & LANEY, PA
40 Calhoun Street, Suite 200
Charleston, SC 29401

Attorneys for Builders Firstsource Southeast Group LLC

Stephen P. Hughes
HOWELL GIBSON & HUGHES, PA
Post Office Box 40
Beaufort, SC 29901

James Andrew Yoho
CARLOCK COPELAND & STAIR, LLP
40 Calhoun Street, Suite 400
Charleston, SC 29407

Attorneys for Richard Ditullio and RDT Contracting LLC

Jared Hudson Garraux
RICHARDSON PLOWDEN & ROBINSON, PA
1900 Barnwell Street
Columbia, SC 29201

Attorneys for Eli Inc.

Patrick T. Morrissey
CLAWSON & STAUBES, LLC
127 Seven Farms Drive, Suite 200
Charleston, SC 29492-7595

Attorneys for Latitude Construction Services LLC

Robert Michael Ethridge
Laura Elizabeth Paris Paton
CARLOCK COPELAND & STAIR, LLP
Post Office Box 20969
Charleston, SC 29413

Attorneys for J Mora Brick & Block Mason LLC, Jesus Mora

Elizabeth Fraysure Fulton
PRITCHARD LAW GROUP LLC
129 Broad Street
Charleston, SC 29401

John Elliott Rogers II
Carl Reed Teague
THE WARD LAW FIRM, P.A.
Post Office Box 5663
Spartanburg, SC 29304

Attorneys for The Muhler Company Inc

Peter Gunnar Nistad
GALLIVAN WHITE & BOYD, PA
Post Office Box 22768
Charleston, SC 29413

Pro Se

Paul M. Vasquez
1417 Peach Blossom Lane
Charleston, SC 29492-8263

Lisa P. Whitehurst

Lisa P. Whitehurst
Administrative Assistant

April 10, 2017

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP
Attorneys and Counselors at Law
1320 Main Street / 17th Floor / Columbia, SC 29201
Tel: 803.799.2000 Fax: 803.255.9025
www.nelsonmullins.com

C. Mitchell Brown
Tel: 803.255.9595
Fax: 803.255.9025
mitch.brown@nelsonmullins.com

April 10, 2017

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

RECEIVED

APR 10 2017

SC Court of Appeals

RE: Waverly at Hamlin Plantation Townhome Association, Inc. v. John Wieland
Homes & Neighborhoods of the Carolinas, Inc., et al.
Civil Action No. 2013-CP-10-03326
Appellate Case No. 2017-000474
NMRS File No. 00350.01785

Dear Ms. Kitchings:

Enclosed please find the original and seven copies of a Motion for an Extension of Time in regard to the above-referenced matter. We would ask that you file the original and return a clocked-in copy to us via our courier. Also enclosed is our Firm check in the amount of \$25.00 as the required filing fee.

With kind regards, I remain

Sincerely yours,



C. Mitchell Brown

CMB:lpw
Enclosures

cc: John C. Hayes, IV, Esquire
Mary-Margaret Fitzhenry Noland, Esquire
Ivon Keith McCarty, Esquire
Jesse Sanchez, Esquire
Carline Coward McIntosh, Esquire

The Honorable Jenny Abbott Kitchings

April 10, 2017

Page 2

Kevin W. Mims, Esquire
Erin DuBose Dean, Esquire
Jonathan J. Anderson, Esquire
Curtis Brent Martin, Esquire
Christy Ford Allen, Esquire
Andrew Elliott Haselden, Esquire
Justin Paul Novak, Esquire
Theodore Luke Manos, Esquire
Marvin D. Infinger, Esquire
Cheryl D. Shoun, Esquire
Christopher M. Adams, Esquire
Andrew N. Cole, Esquire
Julian Kane Allen, Esquire
Sarah Louise Fragale, Esquire
Stephen P. Hughes, Esquire
James Andrew Yoho, Esquire
Jared Hudson Garraux, Esquire
Patrick T. Morrissey, Esquire
Robert Michael Ethridge, Esquire
Laura Elizabeth Paris Paton, Esquire
Elizabeth Fraysure Fulton, Esquire
John Elliott Rogers II, Esquire
Carl Reed Teague, Esquire
Peter Gunnar Nistad, Esquire
Mr. Paul M. Vasquez