

IN 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

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

83305  
**RECEIVED**

MAY 03 2017

**SC Court of Appeals**

Patricia Damico, and Lenna Lucas, Individually and on behalf of all others similarly situated, Joshua and Brettany Beutow, Edward and Sylvia Dengg, Jonathan and Theresa Douglass, Anthony and Stacey Ray, Danny and Ellen Davis Morrow, Czara and Chad England, Bryan and Cynthia Camara, and Matthew Collins .....Respondents.

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,

Of which Spring Grove Plantation Development, Inc., Manale Landscaping, LLC, Super Concrete of SC, Inc., Southern Green, Inc., TJB Trucking/Leasing, LLC and Civil Site Environmental are Respondents,

And

Lennar Carolinas, LLC .....Appellant,

v.

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,

✓

Of which Volkmar Consulting Services, 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, are also Respondents,

And

Décor Corporation .....Fourth-Party Plaintiff,

v.

Baranov Flooring, LLC, DJ Construction Services, LLC, Creative Wood Floors, LLC, Geraldo Cunha, Ebenezer Flooring, LLC, Emmanuel Flooring and Siding, LLC, Eusi Flooring and Covering, LLC, Nicolas Flores, Alexander Martinez, Isidru Mejia, Juan Perez, 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.

---

RESPONDENT VOLKMAR CONSULTING, LLC'S  
MOTION FOR EXTENSION OF TIME

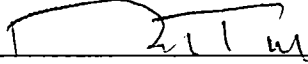
---

Respondent, Volkmar Consulting Services, LLC, by and through its undersigned counsel, with the consent of the Appellant, respectfully requests a thirty (30) day extension of time to file Respondent's Initial Brief and Designation of Matter for Record. The reason for this request is in part due to the complexity of Appellant's Initial Brief. Additionally, counsel for other Respondents has also requested an extension and the undersigned anticipates joining in their arguments.

For the above-stated reasons, on behalf of Respondent, I respectfully request the Court grant Respondent a thirty (30) day extension of time. If this Motion is granted, the Respondent's Initial Brief will be due on or before June 5, 2017. This is movant's first request for an extension of this deadline.

Respectfully submitted,

By:

  
\_\_\_\_\_  
Ronald G. Tate, Jr. (S.C. Bar No. 5475)  
GALLIVAN, WHITE & BOYD, P.A.  
55 Beattie Place, Suite 1200  
Post Office Box 10589 (29603)  
Greenville, SC 29601  
Telephone: (864) 271-9580  
Facsimile: (864) 271-7502  
Email: RTate@GWBlawfirm.com

Greenville, SC

*Attorneys for Volkmar Consulting  
Services, LLC*

IN 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

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

**RECEIVED**

MAY 03 2017

**SC Court of Appeals**

Patricia Damico, and Lenna Lucas, Individually and on behalf of all others similarly situated, Joshua and Brettany Beutow, Edward and Sylvia Dengg, Jonathan and Theresa Douglass, Anthony and Stacey Ray, Danny and Ellen Davis Morrow, Czara and Chad England, Bryan and Cynthia Camara, and Matthew Collins .....Respondents.

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,

Of which Spring Grove Plantation Development, Inc., Manale Landscaping, LLC, Super Concrete of SC, Inc., Southern Green, Inc., TJB Trucking/Leasing, LLC and Civil Site Environmental are Respondents,

And

Lennar Carolinas, LLC .....Appellant,

v.

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,

Of which Volkmar Consulting Services, 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, are also Respondents,

And

Décor Corporation .....Fourth-Party Plaintiff,

v.

Baranov Flooring, LLC, DJ Construction Services, LLC, Creative Wood Floors, LLC, Geraldo Cunha, Ebenezer Flooring, LLC, Emmanuel Flooring and Siding, LLC, Eusi Flooring and Covering, LLC, Nicolas Flores, Alexander Martinez, Isidru Mejia, Juan Perez, 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.

---

PROOF OF SERVICE

---

The undersigned hereby certifies that on the date indicated below she served counsel with a copy of the Motion for Extension of Time by mailing copies of same by United States Mail with first class postage prepaid to the following address:

Jenna K. McGee  
James Werner  
Frederick E. Quinn, IV  
PARKER POE ADAMS & BERSTEIN, LLP  
200 Meeting Street, Ste. 301  
Charleston, SC 29401

May 2, 2017  
Greenville, SC

  
Mary Sheehan  
GALLIVAN, WHITE & BOYD, P.A.

May 2, 2017

VIA FEDERAL EXPRESS

83305  
**RECEIVED**

MAY 03 2017

**SC Court of Appeals**

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

Re: Damico, et al. v. Lennar Carolinas, LLC, et al.  
Case No. 2015-CP-08-02424

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven (7) copies of a Motion for Extension in this case. I have also enclosed proof of service on counsel for Appellant and our firm check in the amount of \$25.00 for filing this motion. Please return the additional filed copy to me in the return envelope provided.

Thank you for your attention to this matter. If you have any questions or need additional information, please do not hesitate to contact me.

Very truly yours,

GALLIVAN, WHITE & BOYD, P.A.



Ronald G. Tate, Jr.

RGT/mas  
cc: All Counsel of Record (via email only)  
Enclosures

ORIGIN ID: LQKA (864) 271-5342  
DANIEL B. WHITE  
GALLIVAN WHITE & BOYD  
55 BEATTIE PL  
SUITE 1200  
GREENVILLE, SC 29601  
UNITED STATES US

SHIP DATE: 02MAY17  
ACTWGT: 1.00 LB  
CAD: 110720646/INET3850

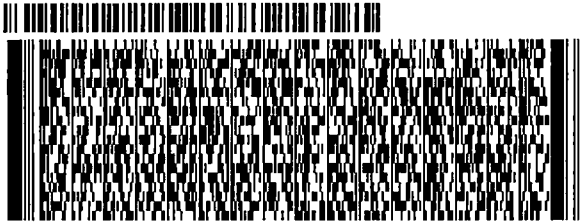
BILL SENDER

TO THE HON. JENNY A. KITCHINGS  
SOUTH CAROLINA COURT OF APPEALS  
1015 SUMTER ST

COLUMBIA SC 29201

(803) 734-1890 REF: 6265-8  
INV.  
PO: DEPT:

546.116734.63C1



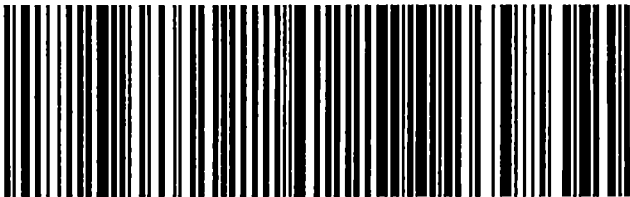
J17111721401ur

WED - 03 MAY 3:00P  
STANDARD OVERNIGHT

TRK# 7790 4570 8671  
0201

**XH USCA**

29201  
SC-US CAE



**RECEIVED**

MAY 03 2017

SC Court of Appeals