

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

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

RECEIVED

MAY 04 2017

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

SC Court of Appeals

Patricia Damico, and Lerma 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, Geometries 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, Decor 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, Decor 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, Isidni 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 LA NEW ENTERPRISES, LLC'S
MOTION FOR EXTENSION OF TIME**

Respondent, LA New Enterprises, 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 workload of counsel for the Respondent. Additionally, counsel for other Respondents have 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,

TUPPER, GRIMSLEY & DEAN, P.A.

By: 

Erin D. Dean (SC Bar No. 65320)

Post Office Box 2055

Beaufort, South Carolina 29901-2055

(843) 524-1116 - office

(843) 524-1463 – facsimile

erindean@tgdpa.com

Attorney for LA New Enterprises, LLC

Beaufort, South Carolina

Dated: May 3, 2017

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

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

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

RECEIVED

MAY 04 2017

SC Court of Appeals

Patricia Damico, and Lerma Lucas, Individually and on behalf of all others similarly situated,
Joshua and Brittany 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, Geometries 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, Decor 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, Decor 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, Isidni 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

RECEIVED

MAY 04 2017

SC Court of Appeals



May 3, 2017
Beaufort, SC

Xiomara M. Ingram
TUPPER GRIMSLEY & DEAN, P.A.

TUPPER, GRIMSLEY & DEAN, P.A.

ATTORNEYS AT LAW
POST OFFICE BOX 2055
611 BAY STREET

BEAUFORT, SOUTH CAROLINA 29901-2055

(843) 524-1116 Telephone
www.tuppergrimsleydean.com

RALPH E. TUPPER *
JAMES A. GRIMSLEY, III
ERIN D. DEAN
STACEY PATTERSON CANADAY
KATHERINE GRAHAM FERGUSON

* ALSO ADMITTED IN NEW YORK

May 3, 2017

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

RECEIVED
MAY 04 2017
SC Court of Appeals

RE: Damico, et al. v. Lennar Carolinas, LLC, et al.

Appellate Case No.: 2016-2339

Case No.: 2014-CP-08-2424

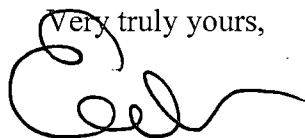
Our File No.: 700.0696

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.

Should you have any questions, please feel free to contact me. If I am unavailable, please ask to speak with my paralegal, Xiomara Ingram.

Very truly yours,



Erin D. Dean

EDD/xmi

Enclosures

cc: All Counsel of Record

RECEIVED

MAY 04 2017

SC Court of Appeals

TUPPER, GRIMSLEY & DEAN
(843) 524-1116
THE UPS STORE #3483
219 SCOTT ST
BEAUFORT SC 29902-5554

1 LBS
SHP WT: 1 LBS
DATE: 03 MAY 2017
1 OF 1

SHIP CLERK OF COURT
TO: (803) 734-1890
SC COURT OF APPEALS
1220 SENATE ST

COLUMBIA SC 29201-3769



SC 291 9-01



UPS GROUND

TRACKING #: 1Z 29E 537 03 3633 5057



BILLING: P/P

ISH 13.00N E2844 87.5V 04/2017

SEE NOTICE ON REVERSE regarding UPS Terms and notice of limitation of liability. Where allowed by law, shipper authorizes UPS to act as forwarding agent for export control and customs purposes. If exported from the US, shipper certifies that the commodities, technology or software were exported from the US in accordance with the Export Administration Regulations. Diversions contrary to law is prohibited. 00317