

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

RECEIVED

Case No. 2014-CP-08-2424

MAY 08 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, Johnathan 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,

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SC Court of Appeals

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

Respondents,

**MOTION FOR EXTENSION OF TIME TO FILE/SERVE
RESPONDENT'S INITIAL BRIEF AND DESIGNATION OF MATTER**

[counsel identified on following page]

YOUNG CLEMENT RIVERS, LLP
Stephen L. Brown
Catherine H. Chase
25 Calhoun Street, Suite 400 (29401)
P.O. Box 993
Charleston, South Carolina 29402
(843) 720-5488

And

AIKEN, BRIDGES, ELLIOTT, TYLER &
SALEEBY, P.A.
Preston B. Dawkins, Jr.
181 East Evans Street (29501)
P.O. Drawer 1931 (29503)
Florence, SC
(843) 669-8787

***Attorneys for the Respondent Alpha Omega
Construction Group, Inc.***

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS

COMES NOW the Respondent Alpha Omega Construction Group, Inc., by and through its undersigned counsel, pursuant to Rule 263(b), SCACR, and moves this Honorable Court for its first extension of thirty (30) days' time to serve and file its initial brief and corresponding designation of matter to be included in the record on appeal.

The Appellant served its initial brief on April 5, 2017; thereby, making the Respondent's initial briefing deadline May 5, 2017, according to Rule 208(a)(2), SCACR.

This first extension is being sought due to (1) the complexity of Appellant's Initial Brief; (2) other Respondents having requested an extension and the undersigned anticipating joining in their arguments; and (3) other time commitments. For the reasons set forth herein, the undersigned respectfully requests that Alpha Omega Construction Group, Inc.'s deadline for serving/filing its initial brief and corresponding designation of matter to be included in the record on appeal be extended by 30 days from May 5, 2017, i.e., through June 5, 2017¹. Respectfully, Respondent believes that this relief is consistent with the interests of justice and will not work any undue prejudice upon Appellant.

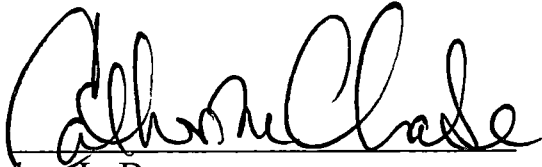
WHEREFORE, Respondent respectfully requests that this Honorable Court grant an extension of 30 days' time to serve and file the Initial Brief of Respondent and corresponding designation of matter to be included in the record on appeal. With the extension requested herein, the new deadline for service/filing of Respondent's initial brief and designation of matter would be June 5, 2017, according to the undersigned's calculations. Further, Respondent respectfully requests that the Court hold Respondent's present deadline for briefing/designation of matter in abeyance until it acts upon this motion.

[signature on following next page]

¹ Calculating the 30-day period (from the present deadline, May 5, 2017) in accordance with Rule 263(a), SCACR, it runs until Monday, June 5, 2017, because the 30th day is Sunday, June 4, 2017.

Respectfully submitted,

YOUNG CLEMENT RIVERS, LLP

By: 
Stephen L. Brown

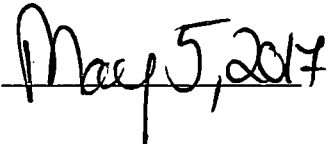
Catherine H. Chase
25 Calhoun Street, Suite 400 (29401)
P.O. Box 993
Charleston, South Carolina 29402
(843) 720-5488

And

AIKEN, BRIDGES, ELLIOTT, TYLER &
SALEEBY, P.A.

Preston B. Dawkins, Jr.
181 East Evans Street (29501)
P.O. Drawer 1931 (29503)
Florence, SC
(843) 669-8787

Charleston, South Carolina

Dated: 

THE STATE OF SOUTH CAROLINA
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J.C. Nicholson, Jr., Circuit Court Judge

Case No. 2014-CP-08-2424

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Patricia Damico, and Lenna Lucas, Individually and on behalf of all others similarly situated, Joshua and Brettany Beutow, Edward and Sylvia Dengg, Johnathan 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

Respondents,

PROOF OF SERVICE

[counsel identified on following page]

YOUNG CLEMENT RIVERS, LLP
Stephen L. Brown
Catherine H. Chase
25 Calhoun Street, Suite 400 (29401)
P.O. Box 993
Charleston, South Carolina 29402
(843) 720-5488

And

AIKEN, BRIDGES, ELLIOTT, TYLER &
SALEEBY, P.A.
Preston B. Dawkins, Jr.
181 East Evans Street (29501)
P.O. Drawer 1931 (29503)
Florence, SC
(843) 669-8787

I, Catherine H. Chase, of Young Clement Rivers, LLP, counsel for the Respondent Alpha Omega Construction Group, Inc., do hereby certify that I have served the **MOTION FOR EXTENSION OF TIME TO FILE/SERVE RESPONDENT'S INITIAL BRIEF AND DESIGNATION OF MATTER** on all other parties by depositing a copy of the same in the United States Mail, postage prepaid, on May 5, 2017, addressed as follows to their counsel:

James Lynn Werner, Esquire
Jenna K. McGee, Esquire
F. Elliotte Quinn IV, Esquire
Parker Poe, Adams & Bernstein LLP
P.O. Box 1509 Columbia, SC 29201
Attorneys for Lennar Carolinas, LLC

John Calvin Hayes, IV, Esquire
Hayes Law Firm, LLC
180 Meeting Street, Suite 330
Charleston, SC 29401
*Attorneys for Patricia Damico,
Joshua and Brettany Buetow, Bryan
and Cynthia Camara, Matthew
Collins, Jonathan and Theresa
Douglass, Czara and Chad England,
Lenna Lucas, Danny and Ellen
Davis Morrow*

Michael J. Jordan, Esquire
Catherine K. Dunn, Esquire
The Steinberg Law Firm, LLP
P.O. Box 1028
Goose Creek, SC 29445
*Attorneys for Patricia Damico,
Joshua and Brettany Buetow, Bryan
and Cynthia Camara, Matthew
Collins, Jonathan and Theresa
Douglass, Czara and Chad England,
Lenna Lucas, Danny and Ellen
Davis Morrow*

Steven L. Smith, Esquire
Zachary J. Closser, Esquire
Samuel M. Wheeler, Esquire
Smith Closser, P.A.
P.O. Box 405878
Charleston, SC 29423-0578
*Attorneys for Knight's Concrete
Products, Inc. and Knight's Redi-
Mix, Inc.*

Erin D. Dean, Esquire
Tupper Grimsley & Dean, P.A.
P.O. Box 2055
Beaufort, SC 29901-2055
***Attorney for LA New Enterprises,
LLC and Raul Martinez Masonry,
LLC***

Brent M. Boyd
Murphy & Grantland, PA
P.O. Box 6648
4406-B Forest Dr.
Columbia, SC 29260
***Attorney for Coastal Concrete
Southeast, LLC and Coastal
Concrete Southeast II, LLC***

David S. Cobb, Esquire
Turner Padgett Graham & Laney, PA
P.O. Box 22129
Charleston, SC 29413
***Attorney for Construction
Applicators
Charleston, LLC***

Kathy A. Carlsten, Esquire
N. Keith Emge, Esquire
Carlock Copeland & Stair, LLP
40 Calhoun Street, Suite 400
Charleston, SC 29401
***Attorneys for Civil Site
Environmental, Inc.***

S. Markey Stubbs, Esquire
Baker, Ravenel & Bender, LLP
P.O. Box 8057
Columbia, SC 29202
Attorney for DVS, Inc.

Alan R. Belcher, Jr., Esquire
Derek M. Newberry, Esquire
Hall Booth Smith, P.C.
40 Calhoun Street, Suite 550
Charleston, SC 29401
***Attorneys for Guaranteed Framing,
LLC***

Emily Gifford, Esquire
Richardson, Plowden & Robinson, P.A.
P.O. Drawer 7788
Columbia, SC 29202
***Attorney for Geometrics Consulting
Services, LLC***

Christine C. Varnado, Esquire
The Seibels Law Firm, PA
38 Broad Street, Suite 200
Charleston, SC 29401
***Attorneys for Guaranteed Framing,
LLC***

Samia Nettles, Esquire
James H. Elliott, Jr., Esquire
Richardson, Plowden & Robinson, P.A.
40 Calhoun Street, Suite 220
Charleston, SC 29401
***Attorney for Decor Corporation and
Manale Landscaping, LLC***

Thomas F. Dougall, Esquire
William A. Collins, Jr., Esquire
Michal Kalwajtys, Esquire
Dougall & Collins
1700 Woodcreek Farms Rd., Ste 100
Elgin, SC 29045
***Attorney for Ozzy Construction, LLC
and Juan Garza Ramos***

Stephen P. Hughes, Esquire
Howell, Gibson and Hughes, P.A.
P.O. Box 40
Beaufort, SC 29901
***Attorney for Builders FirstSource-
Southeast Group, LLC***

John E. Rogers, II, Esquire
The Ward Law Firm, P.A.
P.O. Box 5663
Spartanburg, SC 29304
Attorney for Land/Site Services, Inc.

Jenny C. Honeycutt, Esquire
Best Honeycutt, P.A.
P.O. Box 13466
James Island, SC 29422
***Attorney for South Carolina
Exteriors, LLC***

Bachman S. Smith, IV, Esquire
Haynsworth Sinkler Boyd, P.A.
134 Meeting Street, Third Floor
Charleston, SC 29401
Attorney for Southern Green, Inc.

R. Trippett Boineau, III, Esquire
Heath McAlvin Stewart, III, Esquire
McAngus, Goudelock & Courie, LLC
P.O. Box 12519
Columbia, SC 29211
***Attorneys for Spring Grove
Plantation Development, Inc.***

Michael E. Wright, Esquire
Robertson Hollingsworth Manos &
Rahn, LLC
550 King Street, Suite 300
Charleston, SC 29403
Attorneys for Super Concrete of SC, Inc.

David Shuler Black, Esquire
Howell Gibson & Hughes, P.A.
P.O. Box 40
Beaufort, SC 29901-0040
***Attorney for TJB Trucking/Leasing,
LLC***

Ronald G. Tate, Jr. , Esquire
R. Batten Farrar, Esquire
Gallivan, White & Boyd, P.A.
55 Beattie Place, Suite 1200 (29601)
P.O. Box 10589
Greenville, SC 29603
***Attorneys for Volkmar Consulting
Services, LLC***

Shanna Milcetic Stephens, Esquire
Katherine C. Miars, Esquire
Anderson Reynolds & Stephens, LLC
P.O. Box 87
Charleston, SC 29402
Attorney for A.C.&A. Concrete, Inc.

David C. Cleveland, Esquire
Clawson & Staubes, LLC
126 Seven Farms Drive, Suite 200
Charleston, SC 29492
***Attorney for Low County
Renovations & Siding and Myers
Landscaping, Inc.***

John M. Grantland, Esquire
Rogers Harrell, Esquire
Murphy & Grantland, PA
P.O. Box 6648
4406-B Forest Dr.
Columbia, SC 29260
Attorneys for Isidru Mejia

Steven W. Outz, Esquire
Joshua D. Shaw, Esquire
Turner Padget Graham & Laney, PA
1901 Main Street, 17th Floor
Columbia, SC 29202
***Attorneys for CEBS Construction,
LLC***

Christopher M. Adams, Esquire
Andrew N. Cole, Esquire
Collins & Lacy, PC
P.O. Box 12487
Columbia, SC 29211
***Attorneys for Unique Framing and
DJ Construction Services, LLC***

William W. Watkins, Jr., Esquire
Stephanie G. Brown, Esquire
Wall Templeton & Haldrup, PA
145 King Street, Suite 300
Charleston, SC 29401
***Attorneys for Itatiaia Construction,
LLC, Lima Construction, and N&B
Construction, LLC***

Sarah L. Fragale, Esquire
Turner Padget Graham & Laney, PA
40 Calhoun Street, Suite 200
Charleston, SC 29401
Attorney for Espino Roofing, LLC

K. Michael Barfield, Esquire
D. Summers Clarke, II, Esquire
Barnwell-Whaley Patterson & Helms, LLC
288 Meeting Street, Suite 200
Charleston, SC 29404
***Attorneys for The Earthworks
Group, Inc.***

Thomas B. Boger, Esquire
Wall Templeton & Haldrup, PA
145 King Street, Suite 300
Charleston, SC 29401
Attorney for First Construction, LLC

Myers Landscaping, Inc.
c/o Joseph H. Myers, Registered Agent
382 Big Bird Lane
Summerville, SC 29486
Pro Se Respondent

Edward and Sylvia Dengg
238 Maywood Drive
Moncks Corner, SC 29461
Pro Se Respondents

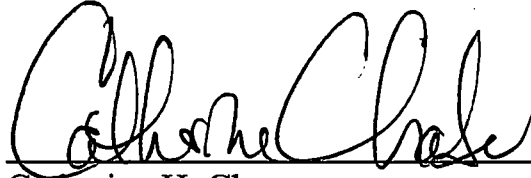
Anthony and Stacey Ray
107 Loch Circle
Hampton, VA 23669
Pro Se Respondents

[signature on following page]

Respectfully submitted,

YOUNG CLEMENT RIVERS, LLP

By:

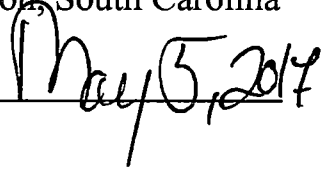


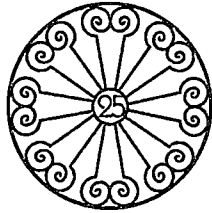
Catherine H. Chase (SC Bar No. 74593)

***Attorney for Alpha Omega
Construction Group, Inc.***

Charleston, South Carolina

Dated:





YCR LAW

Catherine H. Chase

Direct Dial: (843) 720-5488
Direct Fax: (843) 579-2983
E-mail: cchase@ycrlaw.com

May 5, 2017

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SC Court of Appeals

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

Re: Patricia Damico, et al. v. Lennar Carolinas, LLC, et al. v. Lennar Carolinas, LLC,
et al. v. Alpha Omega Construction Group, Inc., et al.
Case No.: 2014-CP-08-2424
YCR File: 10857-20160042

Dear Ms. Kitchings:

Enclosed herewith for filing in the above-referenced matter please find the original and seven (7) copies of Alpha Omega Construction Group, Inc.'s Motion for Extension of Time to File/Serve Respondent's Initial Brief, along with the original and one (1) copy of a Proof of Service and this firm's check in the amount of \$25.00 for filing fees. Please file the originals and return one file-stamped copy to me in the envelope provide.

By copy of this letter with the enclosures, I am providing all counsel of record with a copy of this motion.

As always, thank you for your assistance. If you have any questions, please do not hesitate to contact me. With kindest regards, I am

Sincerely,

YOUNG CLEMENT RIVERS, LLP

Catherine H. Chase

CHC/tlb
Enclosures

J

cc (w/enc., via email and U.S. Mail): James L. Werner, Esquire
Jenna Kiziah McGee, Esquire
Sarah Fragale, Esquire
Steven L. Smith, Esquire
Michal Kalwajtys, Esquire
Alan R. Belcher, Jr., Esquire
Stephanie G. Brown, Esquire
Frederick Elliotte Quinn, IV, Esquire
Rogers E. Harrell, III, Esquire
Michael Wright, Esquire
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Thomas B. Boger, Esquire
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William A. Collins, Jr., Esquire
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William "Trey" W. Watkins, Jr., Esquire
Joshua D. Shaw, Esquire
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Samia H. Nettles, Esquire.
R. Trippett Boineau, III, Esquire
Samuel M. Wheeler, Esquire
Shanna Milcetic Stephens
Emily R. Gifford, Esquire
Ronald G. Tate, Jr., Esquire
Steven W. Outz, Esquire
Robert Batten Farrar, Esquire
D. Summers Clarke, II, Esquire
K. Michael Barfield, Esquire
Michael J. Jordan, Esquire
Andrew N. Cole, Esquire
Christopher Adams, Esquire
Katherine C. Miars, Esquire
John E. Rogers, II, Esquire
Bachman S. Smith, IV, Esquire
Heath M. Stewart, III, Esquire
Neil Keith Emge, Jr., Esquire
Kathy A. Carlsten, Esquire
Thomas F. Dougall, Esquire
David S. Black, Esquire
John M. Grantland, Esquire
S. Markey Stubbs, Esquire
David C. Cleveland, Esquire
Brent M. Boyd, Esquire
Stephen P. Hughes, Esquire
Erin D. Dean, Esquire
Preston B. Dawkins, Esquire
John C. Hayes, IV, Esquire
David S. Cobb, Esquire, Turner
Christine Companion Varnado, Esquire
Myers Landscaping, Inc. c/o Joseph H. Myers
Edward and Sylvia Dengg
Anthony and Stacey Ray

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ZIP 29401
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FIRST CLASS MAIL



YCRLAW 25 Calhoun Street, Suite 400
P.O. Box 993
Charleston, SC 29402-0993

TLB
10857-
20160042

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

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