

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY
Court Of Common Pleas

The Honorable Charles B. Simmons, Jr., Master-in-Equity

Common Pleas Case No.: 2014-CP-23-01871
Appellate Case No.: 2016-1787

China Construction America of South Carolina, Inc.....Appellant/Respondent,

vs.

MS Production Solutions LLC a/k/a MSPS Steel Fabricators, Manfred Sprenger and Patricia
Sprenger Respondents/Appellants

APPELLANT/RESPONDENT'S MOTION TO STAY

Henry P. Wall
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*Attorneys for Appellant/Respondent China
Construction America of South Carolina,
Inc.*

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SC Court of Appeals

MOTION TO STAY

Pursuant to Rule 240(a) SCACR, Appellant/Respondent China Construction America of South Carolina, Inc. (hereinafter referred to as “CCA”), moves to stay the deadline for filing Respondent’s Initial Brief of Respondent/Appellant. Respondents/Appellants filed their Initial Brief of Respondents/Appellants on May 17, 2017. On June 15, 2017, CCA moved for an extension of time to file Respondent’s Initial Brief of Appellant/Respondent due to an issue regarding a document CCA contends is not a part of the Record, which is cited throughout Appellants’ Initial Brief.

On June 16, 2017, CCA filed a Motion to Settle the Record on Appeal. On June 27, 2017, Respondents/Appellants served a Return to CCA’s Motion. Contemporaneous with this Motion to Stay, on July 5, 2017, CCA filed a Reply to Respondents/Appellants’ Return to its Motion to Settle the Record on Appeal. CCA’s Motion is pending before this Court, and it is impossible for CCA to file an Initial Brief responding to Appellants’ Initial Brief of Respondents/Appellants without discussing the disputed document until the issue regarding the Record is resolved.

Should CCA not prevail on its Motion to Settle the Record, CCA agrees to submit Respondents Initial Brief of Respondents/Appellants within ten (10) days of a ruling on the same, or as soon thereafter as this Court requires. In the interim, CCA respectfully requests its deadline to file its Initial Brief of Respondents/Appellants be stayed pending a ruling on its Motion to Settle the Record.

July 5, 2017



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Attorneys for Appellant/Respondent

China Construction America of

South Carolina, Inc.

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MS Production Solutions LLC a/k/a MSPS Steel Fabricators, Manfred Sprenger and
Patricia Sprenger Respondents/Appellants

PROOF OF SERVICE

I, Katie Gjennestad, of Bruner, Powell, Wall & Mullins, LLC, attorneys for the Appellants, do hereby certify that on this 5th day of July 2017, I served the **APPELLANT/RESPONDENTS MOTION TO STAY** upon the Respondent's attorney of record by depositing a copy of the same in U.S. Mail, first class, postage prepaid and addressed as follows:

J. Falkner Wilkes
Attorney at Law
114 Whitsett Street
Greenville, SC 29601

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Katie Gjennestad

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** Also Admitted in District of Columbia

July 5, 2017

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

Re: China Construction America of S.C., Inc. v. MS Production Solution, LLC
Appellate Case No.: 2016-1787
C/A No.: 2014-CP-23-1871
Our File No.: 9-948.131

Dear Ms. Kitchings:

I have enclosed the original and seven (7) copies of the **APPELLANT/RESPONDENTS MOTION TO STAY**, a check in the amount of \$25.00 and a proof of service of this request on counsel for the Respondents/Appellants. Please stamp one copy and return it with our runner who will be waiting.

Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact me.

With my kindest regards, I am

Sincerely yours,



Katie Gjennestad

Legal Assistant to Caitlin C. Heyward, Esq.

CCH/kg

Enclosures

cc: J. Falkner Wilkes
Mike Watson, China Construction

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