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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

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

RECEIVED

JUN 26 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, Costal 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, 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

Decor 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.

**APPELLANT LENNAR CAROLINAS, LLC'S
MOTION FOR CONSOLIDATION OF REPLY BRIEFS AND REQUEST FOR AN
EXTENSION OF THE REPLY BRIEF**

James Lynn Werner
Jenna K. McGee
F. Elliotte Quinn IV
Parker, Poe, Adams & Bernstein LLP
PO Box 1509
Columbia, SC 29201
(803) 255-8000

Attorneys for Appellant Lennar Carolinas, LLC

Appellant Lennar Carolinas, LLC (“Lennar”), pursuant to Rules 208(b) and 240(a), of the South Carolina Appellate Court Rules, respectfully requests the Court issue an order granting it (1) permission to file a Consolidated Reply Brief to the multiple Respondents’ Briefs, (2) an extension of the page limitation from twenty-five (25) to fifty (50) pages for the Consolidated Reply Brief, and (3) an extension of time of ten (10) days from the filing of the last Initial Respondent’s brief to file the its Initial Consolidated Reply Brief.

For the sake of judicial economy and clarity, Lennar requests the Court grant it permission to file a single Consolidated Reply Brief. Lennar makes this request based upon the quantity of Respondents and the overlapping arguments within their Initial Briefs.

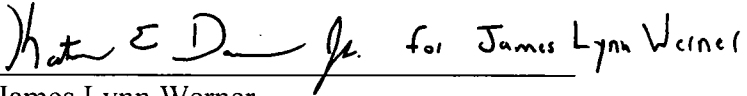
If the Court grants Lennar’s request for permission to file a Consolidated Reply Brief, then Lennar requests that it be allowed to exceed the twenty-five (25) page limit under Rule 208(b), SCACR in its Consolidated Reply Brief. Lennar make this request because of the number of Respondents and the quantity and complexity of the issues in this case. Presently, Lennar believes that it will be able to reply to the Respondents’ arguments in fifty (50) pages. The fifty pages in the Consolidated Reply Brief would ultimately be far fewer than if Lennar filed individual replies to the Respondents’ Briefs.

Due to the number of requests for extensions and the changing timelines for the individual Respondent’s deadlines to file their Initial Briefs, Lennar requests that it be allowed to file its Initial Consolidated Reply Brief ten (10) days from the date the last Initial Respondent’s Brief is filed.

WHEREFORE, Appellant Lennar Carolinas, LLC respectfully requests an order granting its request for (1) permission to file a Consolidated Reply Brief to the multiple Respondents’ Briefs, (2) an extension of the page limitation from twenty-five (25) to fifty (50) pages for the Consolidated Reply Brief, and (3) an extension of time of ten (10) days from the filing the last

Initial Respondent's Brief is filed to file the its Initial Consolidated Reply Brief.

June 26, 2017



James Lynn Werner

Jenna K. McGee

F. Elliott Quinn IV

Parker, Poe, Adams & Bernstein LLP

PO Box 1509

Columbia, SC 29201

(803) 255-8000

Attorneys for Appellant Lennar Carolinas, LLC

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And

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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.

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PROOF OF SERVICE

The undersigned hereby certifies that on June 26 2017, she served the foregoing **APPELLANT LENNAR CAROLINAS, LLC'S MOTION FOR CONSOLIDATION OF REPLY BRIEFS AND REQUEST FOR AN EXTENSION OF THE REPLY BRIEF** on the parties listed below by placing a copy of it in the United States Mail, first class postage prepaid, addressed as follows:

Michael J. Jordan
Catherine K. Dunn.
The Steinberg Law Firm, LLP
P.O. Box 1028
Goose Creek, SC 29445
*Attorneys for Respondents 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*

Laura H. Budd
The Budd Law Group, PLLC
10550 Independence Point Pkwy, Suite 301
Matthews, NC 28105
*Attorneys for Respondent TJB Omega
Construction Group, Inc.*

Stephen L. Brown
Catherine H. Chase
Young Clement Rivers, LLP
P.O. Box 993
Charleston, SC 29402
*Attorneys for Respondent Alpha Omega
Construction Group, Inc.*

Brent M. Boyd
Rogers E. Harrell, III
Murphy & Grantland, P.A.
PO Box 6648 4406-B Forest Dr.
Columbia, SC 29260
*Attorney for Respondents Coastal Concrete
Southeast, LLC, Coastal Concrete Southeast II,
LLC, Knight's Concrete Products, Inc. and
Knight's Redi-Mix, Inc.*

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

John Calvin Hayes, IV
Hayes Law Firm, LLC
180 Meeting Street, Suite 330
Charleston, SC 29401
*Attorneys for Respondents 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*

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

Preston B. Dawkins, Jr.
Aiken Bridges, P.A.
P.O. Drawer 1931
Florence, SC 29503
*Attorneys for Respondent Alpha Omega
Construction Group, Inc.*

David S. Cobb
Turner Padget
P.O. Box 22129
Charleston, SC 29413
*Attorney for Respondent Construction
Applicators Charleston, LLC*

Carmen V. Ganjehsani
Richardson Plowden
P.O. Drawer 7788
Columbia, SC 29202
*Attorney for Respondents Décor Corporation
and Manale Landscaping, LLC*

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

Christine Companion Varnado
The Seibels Law Firm
38 Broad Street, Suite 200
Charleston, SC 29401
Attorneys for Respondent Guaranteed Framing, LLC

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

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

Jenny C. Honeycutt
PO Box 13466
James Island, SC 29422
Attorney for Respondent South Carolina Exteriors, LLC

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

Derek M. Newberry
Hall Booth Smith, P.C.
40 Calhoun Street, Suite 550
Charleston, SC 29401
Attorneys for Respondent Guaranteed Framing, LLC

Alan R. Belcher, Jr.
40 Calhoun Street, Suite 550
Charleston, SC 29401
Attorneys for Respondent Guaranteed Framing, LLC

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

Thomas F. Dougall
William A. Collins, Jr.
Michal Kalwajtyś
Dougall & Collins
1700 Woodcreek Farms Road, Suite 100
Elgin, South Carolina 29045
Attorney for Respondent Ozzy Construction, LLC

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

R. Patrick Flynn
Michael Allen
Pope Flynn, LLC
PO Box 70
Charleston, SC 29402
Attorneys for Respondent Super Concrete of SC, Inc.

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

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

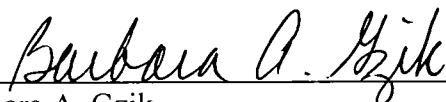
Trey M. Nicolette
David C. Cleveland
Clawson and Staubes
126 Seven Farms Drive, Suite 200
Charleston, SC 29492-8144
Attorneys for Respondent Myers Landscaping

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

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

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

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



Barbara A. Gzik



Katon E. Dawson, Jr.
Associate
Telephone: 803.253.6854
Direct Fax: 803.255.8017
katondawson@parkerpoe.com

Atlanta, GA
Charleston, SC
Charlotte, NC
Columbia, SC
Greenville, SC
Raleigh, NC
Spartanburg, SC

June 26, 2017

Via Hand Delivery

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29211

RECEIVED
JUN 26 2017
SC Court of Appeals

Re: *Patricia Damico, et al. v. Lennar Carolinas, LLC, et al.*
Case No. 2014-CP-08-2424; Appellate Case No. 2016-2339

Dear Mrs. Kitchings:

Enclosed please find the original and seven (7) copies of Appellant Lennar Carolinas, LLC's Motion for Consolidation of Reply Briefs and Request for an Extension of the Reply Brief in the above-referenced matter.

Appellant Lennar Carolinas, LLC withdraws its Motion for an Extension of Time to Reply to Décor Corporation's Initial Respondent's Brief that was filed on June 19, 2017. In lieu of a refund and the submission an additional check for the filing fee for the enclosed motion, Appellant Lennar requests that the check in the amount of \$25.00 that was originally intended for the filing fee for the Motion for an Extension of Time to Reply to Décor Corporation's Initial Respondent's Brief (Receipt # 83748) be applied to the enclosed Motion.

Please return a file-stamped copy of the enclosed Motion and Proof of Service to my courier. As evidenced by the attached Proof of Service and by copy of this letter we are providing counsel of record with a copy of same.

Sincerely,



Katon E. Dawson, Jr.

KED:bg
Enclosures

cc: All Counsel of Record

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