

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

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

RECEIVED

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

JUN 26 2017
SC Court of Appeals

Patricia Damico, and Lenna Lucas, Individually and on behalf of all other 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,

Respondent

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, Inc. and Rick Bryant,

Of which Lennar Carolinas, LLC is

Appellant

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, Inc. are

Lennar Carolinas, LLC

Appellant

v.

The Earthworkers Group, Inc., Volkmar Consulting Services, LLC, Geometrics Consulting, LLC, Land/Site Services, Inc., Myers Landscaping, Inc., A.C.&A. Concrete, Inc., Knight's 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-Southwest Group, LLC and Low Country Renovations and Siding, LLP,

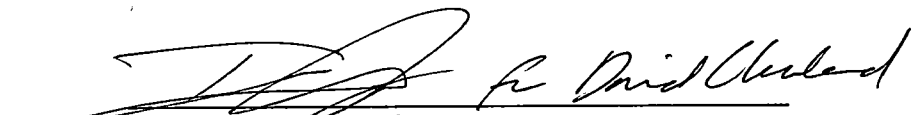
Of which A.C.&A., Concrete, Inc., Alpha Omega Construction Group, Inc., Builders FirstSource-Southeast Group, LLC, Coastal Concrete of Southeast, LLC, Coastal Concrete of Southeast II, LLC, Construction Applicators of Charleston, LLC, Décor Corporation, DVS, Inc., Guaranteed Framing, LLC, Knight's Concrete Products, Inc., Knight's Redi-Mix, Inc., LA New Enterprises, LLC, Land/Site Services, Inc., Myers Landscaping, Inc., Ozzy Construction, LLC, Raul Martinez Masonry, LLC, South Carolina Exteriors, LLC and Volkmar Consulting Services, LLC are

Respondents.

PROOF OF SERVICE

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

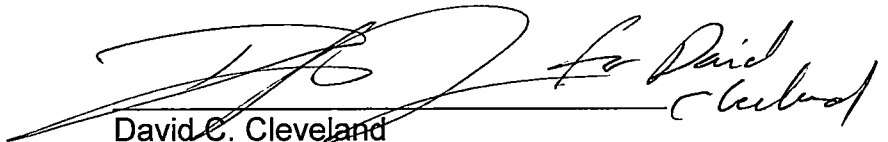
Jenna McGee, Esq.
F. Elliott Quinn, IV, Esq.
James L. Werner, Esq.
Parker Poe Adams & Bernstein, LLP
200 Meeting St Ste 301
Charleston, SC 29401-3156


David C. Cleveland
CLAWSON AND STAUBES, LLC

June 2, 2017
Charleston, South Carolina

reference all arguments set forth by other Defendants and Third Party Defendants, in which Myers Landscaping joins. This Court should affirm the Circuit Court's decision to deny Lennar Home's Motion to Compel Arbitration for the reasons herein, but if the Court finds Lennar is entitled to arbitration for the claims asserted by the Plaintiffs, they should still find that Lennar is not entitled to arbitration of the Third Party claims against Myers Landscaping.

CLAWSON AND STAUBES, LLC

A handwritten signature in black ink, appearing to read "David C. Cleveland", is written over a horizontal line. The signature is stylized and cursive.

David C. Cleveland
126 Seven Farms Drive, Suite 200
Charleston, SC 29492-8144
Phone: (843) 577-2026
Email: Dcleveland@clawsonandstaubes.com
Attorney for Myers Landscaping, Inc.

Charleston, South Carolina
June 2, 2017



David C. Cleveland
Licensed in SC
dcleveland@clawsonandstaubes.com

June 21, 2017

File No.: 20163984.000

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211-1629

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SC Court of Appeals

Re: Damico, et al v. Myers Landscaping, et al.
Appellate Case No: 2016-2339

Dear Ms. Kitchings:

Enclosed please find Myers Landscaping's Certificate of Service to be attached to our Initial Brief mailed to you on June 2, 2017 regarding the above-referenced matter. We have enclosed an extra copy of the brief and ask that you please return a file stamp copy in the self-addressed, stamped envelope.

Thank you very much for your attention to the above.

Very truly yours,

CLAWSON and STAUBES, LLC



David C. Cleveland

DCC/wrb
Enclosure
Cc: Attorneys of Record

**CLAWSON
STAU**



125 Seven Farms Drive, Suite 200
Charleston, SC 29492-8144

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
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