

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

JUL 31 2017

SC Court of Appeals

Deadra L. Jefferson, Circuit Court Judge

Case No. 2013-CP-10-03326  
Appellate Case No. 2017-000474

Ex Parte: Liberty Mutual Fire Insurance Company,..... Appellant.

v.

In re: Waverly at Hamlin Plantation Townhome  
Association, Inc., ..... Respondent,

v.

John Wieland Homes and Neighborhoods of the  
Carolinas, Inc. as successor by statutory merger to John  
Wieland Homes and Neighborhoods of South Carolina,  
Inc., John Wieland Homes of Charleston, Inc., John  
Wieland Homes, Inc., Builders Support Services of the  
Carolinas, Inc. and Wheelock Street Capital, LLC d/b/a  
John Wieland Homes and Neighborhoods, Inc., ..... Respondents,

and

John Wieland Homes and Neighborhoods of the  
Carolinas, Inc., as successor by statutory merger to John  
Wieland Homes and Neighborhoods of South Carolina,  
Inc., John Wieland Homes of Charleston, Inc., John  
Wieland Homes Inc., Builders Support Services of the  
Carolinas, Inc. .... Respondents,

v.

Barr Construction, Inc., Benjamin Mora d/b/a Mora  
Construction, a/k/a Benjamin Mora Construction, LLC,  
Builders FirstSource, Inc., a/k/a Builders FirstSource-  
Southeast Group, LLC, a/k/a Builders FirstSource-  
Atlantic Group, LLC, DBC Construction Services, LLC,  
Eli, Inc., Gerardo Rosette Sanchez a/k/a GR Painting,  
Jorge Medina, Jorge Medina a/k/a JMC Construction,  
LLC a/k/a JMC Construction, Inc., Jesus Mora a/k/a J.  
Mora Brick & Block Mason, LLC, Juan Luis Sanchez,  
Juan Luis Sanchez a/k/a Sanchez Brothers Painting,

Latitude Construction Services, LLC, The Muhler Company, Inc., Paul M. Vasquez, Richard Ditullio, Richard Ditullio a/k/a RDT Contracting, LLC, .....

Respondents.

**MOTION FOR AN EXTENSION OF TIME**

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, Appellant Liberty Mutual Fire Insurance Company (“Appellant”) respectfully requests a four (4) day extension of time to file its Return in Opposition to the Motion to Dismiss Appeal filed by Respondents John Wieland Homes and Neighborhoods of the Carolinas, Inc., as successor by statutory merger to John Wieland Homes and Neighborhoods of South Carolina, Inc., John Wieland Homes of Charleston, Inc., and John Wieland Homes, Inc. f/k/a Builders Support Services of the Carolinas, Inc.’s (“the Wieland Respondents”). This is Liberty Mutual’s first request for an extension of time to file the Return.

This request is necessitated due to undersigned counsel’s numerous other work conflicts, scheduling deadlines, other court appearances/filings, and travel obligations. Undersigned counsel is involved in an ongoing trial in the Upstate, which is not set to finish until the middle of next week.

Currently, Appellant’s Return is due on July 31, 2017. Appellant respectfully requests that this Court enter an order extending the deadline for filing a Return in Opposition to the Wieland Respondents’ Motion to Dismiss by four (4) days, making the new deadline August 4, 2017. Appellant requests that the current deadline be held in abeyance while the Court considers this request.

Prior to filing this motion, counsel for Appellant conferred with John Massalon, counsel for the Wieland Respondents, and Jesse Sanchez, counsel for Waverly at Hamlin Plantation Townhome Association, Inc. Both counsel consented to this extension request. These are the only counsel who have moved for extensions of time to file a brief of Respondent on behalf of their clients. No other Respondents have submitted a brief or requested an extension.

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

*C. Mitchell Brown by*  
By: *Blake T. Williams*

C. Mitchell Brown  
SC Bar No. 12872  
Brian P. Crotty  
SC Bar No. 16983  
Blake T. Williams  
SC Bar No. 100794  
1320 Main Street/17th Floor  
Columbia, SC 29211  
(803) 799-2000

Robert C. Calamari  
SC Bar No. 064985  
NELSON MULLINS RILEY & SCARBOROUGH LLP  
3751 Robert M. Grissom Parkway, Suite 300  
Myrtle Beach, SC 29577  
(843) 448-3500

*Attorneys for Appellant Liberty Mutual Fire Insurance  
Company*

Columbia, South Carolina

July 31, 2017

## Lisa Whitehurst

---

**From:** John A. Massalon <jmassalon@wmalawfirm.net>  
**Sent:** Sunday, July 30, 2017 4:46 PM  
**To:** Blake Williams  
**Cc:** callen@wmalawfirm.com  
**Subject:** Re: Liberty Mutual/Waverly Appeal

Blake. Extension ok. Wish Mitch luck with his trial for me

John

Sent from my iPhone

On Jul 29, 2017, at 9:18 PM, Blake Williams <[blake.williams@nelsonmullins.com](mailto:blake.williams@nelsonmullins.com)> wrote:

Good evening,

Mitch asked if I would reach out to y'all and see if we could get your consent to an extension of time to file a response to the motion to dismiss until Friday (8/4/2017). He has been in trial for the past week and it is going to run into the first half of next week.

Please let me know at your convenience. Thank you,

## **Nelson Mullins**

---

**Blake T. Williams**

Attorney at Law

[blake.williams@nelsonmullins.com](mailto:blake.williams@nelsonmullins.com)

**Nelson Mullins Riley & Scarborough LLP**

Meridian, 17th Floor

1320 Main Street, Columbia, SC 29201

Tel: 803.255.9597

[www.nelsonmullins.com](http://www.nelsonmullins.com)

(View Bio)

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## Lisa Whitehurst

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**From:** Jesse Sanchez <jesse@jessesanchezlaw.com>  
**Sent:** Sunday, July 30, 2017 10:06 AM  
**To:** Blake Williams  
**Subject:** Re: Liberty Mutual/Waverly Appeal

Blake,

We consent.

Regards,

Jesse

On Sat, Jul 29, 2017 at 7:19 PM Blake Williams <[blake.williams@nelsonmullins.com](mailto:blake.williams@nelsonmullins.com)> wrote:

Good evening Jesse,

Mitch asked if I would reach out to you and see if we could get your consent to an extension of time to file a response to the motion to dismiss until Friday (8/4/2017). He has been in trial for the past week and it is going to run into the first half of next week.

Please let me know at your convenience. Thank you,

## **Nelson Mullins**

---

**Blake T. Williams**

Attorney at Law  
[blake.williams@nelsonmullins.com](mailto:blake.williams@nelsonmullins.com)

**Nelson Mullins Riley & Scarborough LLP**

Meridian, 17th Floor  
1320 Main Street, Columbia, SC 29201  
Tel: 803.255.9597

[www.nelsonmullins.com](http://www.nelsonmullins.com)  
(View Bio)

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--

Jesse Sanchez

The Law Office of Jesse Sanchez, LLC

98 1/2 Broad Street, Suite B

Charleston, SC 29401

P: (843) 814-8181

F: (843) 284-3953

[jesse@jessesanchezlaw.com](mailto:jesse@jessesanchezlaw.com)

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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas  
Deadra L. Jefferson, Circuit Court Judge

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Case No. 2013-CP-10-03326  
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Ex Parte: Liberty Mutual Fire Insurance Company, .... Appellant.

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In re: Waverly at Hamlin Plantation Townhome  
Association, Inc., ..... Respondent,

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John Wieland Homes and Neighborhoods of the  
Carolinas, Inc. as successor by statutory merger to John  
Wieland Homes and Neighborhoods of South Carolina,  
Inc., John Wieland Homes of Charleston, Inc., John  
Wieland Homes, Inc., Builders Support Services of the  
Carolinas, Inc. and Wheelock Street Capital, LLC d/b/a  
John Wieland Homes and Neighborhoods, Inc., ..... Respondents,

and

John Wieland Homes and Neighborhoods of the  
Carolinas, Inc., as successor by statutory merger to  
John Wieland Homes and Neighborhoods of South  
Carolina, Inc., John Wieland Homes of Charleston,  
Inc., John Wieland Homes Inc., Builders Support  
Services of the Carolinas, Inc. .... Respondents,

v.

Barr Construction, Inc., Benjamin Mora d/b/a Mora  
Construction, a/k/a Benjamin Mora Construction, LLC,  
Builders FirstSource, Inc., a/k/a Builders FirstSource-  
Southeast Group, LLC, a/k/a Builders FirstSource-  
Atlantic Group, LLC, DBC Construction Services,  
LLC, Eli, Inc., Gerardo Rosette Sanchez a/k/a GR  
Painting, Jorge Medina, Jorge Medina a/k/a JMC  
Construction, LLC a/k/a JMC Construction, Inc., Jesus  
Mora a/k/a J. Mora Brick & Block Mason, LLC, Juan  
Luis Sanchez, Juan Luis Sanchez a/k/a Sanchez

Brothers Painting, Latitude Construction Services,  
LLC, The Muhler Company, Inc., Paul M. Vasquez,  
Richard Ditullio, Richard Ditullio a/k/a RDT  
Contracting, LLC,..... Respondents.

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PROOF OF SERVICE

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I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Liberty Mutual Fire Insurance Company, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

Appellant's Motion for Extension of Time

Counsel Served:

*Attorneys for Waverly @ Hamlin Plantation Townhome  
Association, Inc.*

John C. Hayes IV  
Mary-Margaret Fitzhenry Noland  
HAYES LAW FIRM LLC  
180 Meeting Street, Suite 330  
Charleston, SC 29401

Ivon Keith McCarty  
MCCARTY LAW FIRM, PC  
Post Office Box 30055  
Charleston, SC 29417

Jesse Sanchez  
THE LAW OFFICE OF JESSE SANCHEZ  
98½ Broad Street, Suite B  
Charleston, SC 29401

***Attorneys for AC Construction Inc.***

Caroline Coward McIntosh  
Kevin W. Mims  
LUZURIAGA MIMS, LLP  
50 Immigration Street, Suite 200  
Charleston, SC 29403

***Attorneys for Barr Construction Inc.***

Erin DuBose Dean  
TUPPER GRIMSLEY & DEAN, PA  
Post Office Box 2055  
Beaufort, SC 29901-2055

***Attorneys for Benjamin Mora Construction LLC, Benjamin Mora, Mora Construction***

Jonathan J. Anderson  
Curtis Brent Martin  
ANDERSON REYNOLDS & STEPHENS, LLC  
Post Office Box 87  
Charleston, SC 29402

***Attorneys for Builder Support Services of the Carolinas, Inc., John Wieland Homes and Neighborhoods of South Carolina, Inc., John Wieland Homes and Neighborhoods of the Carolinas, Inc., John Wieland Homes Inc., John Wieland Homes of Charleston, Inc.***

Christy Ford Allen  
WILLS MASSALON & ALLEN LLC  
Post Office Box 859  
Charleston, SC 29402

Andrew Elliott Haselden  
Justin Paul Novak  
HOWSER NEWMAN & BESLEY, LLC  
215 East Bay Street, Suite 303  
Charleston, SC 29401

Theodore Luke Manos  
ROBERTSON HOLLINGSWORTH & FLYNN  
177 Meeting Street, Suite 300  
Charleston, SC 29401

*Attorneys for John Wieland Homes and Neighborhoods Inc.,  
Wheelock Street Capital LLC*

Marvin D. Infinger  
Cheryl D. Shoun  
NEXSEN PRUET, LLC  
Post Office Box 486  
Charleston, SC 29402

*Attorneys for JMC Construction, Inc., JMC Construction, LLC,  
Jorge Medina*

Christopher M. Adams  
Andrew N. Cole  
COLLINS & LACY, PC  
Post Office Box 12487  
Columbia, SC 29211

*Attorneys for Juan Luis Sanchez, Sanchez Brothers Painting*

Julian Kane Allen  
ALLEN LAW  
Post Office Box 12429  
Charleston, SC 29422

Sarah Louise Fragale  
TURNER PADGET GRAHAM & LANEY, PA  
40 Calhoun Street, Suite 200  
Charleston, SC 29401

*Attorneys for Builders Firstsource Southeast Group LLC*

Stephen P. Hughes  
HOWELL GIBSON & HUGHES, PA  
Post Office Box 40  
Beaufort, SC 29901

James Andrew Yoho  
CARLOCK COPELAND & STAIR, LLP  
40 Calhoun Street, Suite 400  
Charleston, SC 29401

*Attorneys for Richard Ditullio and RDT Contracting LLC*

Jared Hudson Garraux  
RICHARDSON PLOWDEN & ROBINSON, PA  
1900 Barnwell Street  
Columbia, SC 29201

*Attorneys for Eli Inc.*

Patrick T. Morrissey  
CLAWSON & STAUBES, LLC  
127 Seven Farms Drive, Suite 200  
Charleston, SC 29492-7595

*Attorneys for Latitude Construction Services LLC*

Robert Michael Ethridge  
Laura Elizabeth Paris Paton  
CARLOCK COPELAND & STAIR, LLP  
Post Office Box 20969  
Charleston, SC 29413

*Attorneys for J Mora Brick & Block Mason LLC, Jesus Mora*

Elizabeth Fraysure Fulton  
PRITCHARD LAW GROUP LLC  
129 Broad Street  
Charleston, SC 29401

John Elliott Rogers II  
Carl Reed Teague  
THE WARD LAW FIRM, P.A.  
Post Office Box 5663  
Spartanburg, SC 29304


*Attorneys for The Muhler Company Inc*

Peter Gunnar Nistad  
GALLIVAN WHITE & BOYD, PA  
Post Office Box 22768  
Charleston, SC 29413

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*Pro Se*

Paul M. Vasquez  
1417 Peach Blossom Lane  
Charleston, SC 29492-8263



Lisa P. Whitehurst  
Administrative Assistant

July 31, 2017

# Nelson Mullins

## Nelson Mullins Riley & Scarborough LLP

Attorneys and Counselors at Law

1320 Main Street / 17th Floor / Columbia, SC 29201

Tel: 803.799.2000 Fax: 803.255.9025

www.nelsonmullins.com

C. Mitchell Brown

Tel: 803.255.9595

Fax: 803.255.9025

mitch.brown@nelsonmullins.com

July 31, 2017

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
SC Court of Appeals  
P.O. Box 11629  
Columbia SC 29211

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SC Court of Appeals

RE: Waverly at Hamlin Plantation Townhome Association, Inc. v. John Wieland  
Homes & Neighborhoods of the Carolinas, Inc., et al.  
Civil Action No. 2013-CP-10-03326  
Appellate Case No. 2017-000474  
NMRS File No. 00350.01785

Dear Ms. Kitchings:

Enclosed please find the original and seven copies of a Motion for an Extension of Time in regard to the above-referenced matter. We would ask that you file the original and return a clocked-in copy to us via our courier. Also enclosed is our Firm check in the amount of \$25.00 as the required filing fee.

With kind regards, I remain

Sincerely yours,



C. Mitchell Brown

CMB:lpw

Enclosures

cc: John C. Hayes, IV, Esquire  
Mary-Margaret Fitzhenry Noland, Esquire  
Ivon Keith McCarty, Esquire  
Jesse Sanchez, Esquire  
Caroline Coward McIntosh, Esquire

The Honorable Jenny Abbott Kitchings

July 31, 2017

Page 2

Kevin W. Mims, Esquire  
Erin DuBose Dean, Esquire  
Jonathan J. Anderson, Esquire  
Curtis Brent Martin, Esquire  
Christy Ford Allen, Esquire  
Andrew Elliott Haselden, Esquire  
Justin Paul Novak, Esquire  
Theodore Luke Manos, Esquire  
Marvin D. Infinger, Esquire  
Cheryl D. Shoun, Esquire  
Christopher M. Adams, Esquire  
Andrew N. Cole, Esquire  
Julian Kane Allen, Esquire  
Sarah Louise Fragale, Esquire  
Stephen P. Hughes, Esquire  
James Andrew Yoho, Esquire  
Jared Hudson Garraux, Esquire  
Patrick T. Morrissey, Esquire  
Robert Michael Ethridge, Esquire  
Laura Elizabeth Paris Paton, Esquire  
Elizabeth Fraysure Fulton, Esquire  
John Elliott Rogers II, Esquire  
Carl Reed Teague, Esquire  
Peter Gunnar Nistad, Esquire  
Mr. Paul M. Vasquez