

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

The Honorable Deadra L. Jefferson  
Circuit Court Judge

Appellate Case No. 2017-000542  
Case No. 2013-CP-10-3326  
Case No. 2014-CP-10-4335

**RECEIVED**  
AUG 17 2017  
SC Court of Appeals

Waverly at Hamlin Plantation Townhome Association, Inc., Plaintiff,

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., Defendants,

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., Third-Party Plaintiffs,

v.

Barr Construction, Inc., Benjamin Mora d/b/a Mora Construction, a/k/a Benjamin Mora Construction, LLC, Builders FirstSource-Atlantic Group, LLC, DBC Construction Services, LLC, Eli, Inc., Gerardo Rosette Sanchez a/k/a JMC Construction, Inc., Jesus Mora a/k/a J. Mora Brick and 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, Third-Party Defendants,



Of whom 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., is the Appellant,

And

Waverly at Hamlin Plantation Townhome Association, Inc., George Medina, George Medina a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc., Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanchez Brothers Painting, and the Muhler Company, Inc. are the Respondents.

And

Jeffrey Sills, Individually and as Class Representative, Marie Labarowski, Edward and Nancy Peyser, Francis Sills, Daniel and Suzanne Ruth, Stephanie Adili, Marc and Brandy Lynn, Russell Robinson, George Busnach, Helen Furtado, Jessica Baucom, Nancy S. Coleman, Linda Glitz, Peggy Gerou, Shannon Bebout, Maryann Walsh, Patty Whitmire, Donald L. Tomasello and Patricia Kelly, Chris Leigh-Jones, Edward Ray and Kathy Jo Feagins, Cindy Hunt for Bentgrass Limited, LLC, Adam A. and Susan S. Sokoloski, William and Carolyne Barone, Michelle Ray, Eugene and Cynthia Ray, William Abel, Dean and Conny Mason, David McCartney, Paul and Patricia Waters, James and Andrea Lowry, R. Robinson, Jr., Thaddeus R. and Barbara A. Kucynski, Beverly Sunders Carlson, Lisa Roeck, Elizabeth Jackson, Charles and Mary Kathleen Jenkins, Linda M. and Earl K. Rigler, Jr., John Twomey, Joe and Anita Brittain, Gilbert J. Hager and Kelly Hager Holmes, Carol and Chris Gillespie, Jared D. Overcash, Plaintiffs,

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., Wheelock Street Capital, LLC d/b/a Jon Wieland Homes and Neighborhoods, Inc. Barr Construction, Inc. Benjamin Mora d/b/a Mora Construction, a/k/a Builders FirstSource-Atlantic Group, LLC, DBC Construction Services, LLC, Gerardo Rosette Sanchez a/k/a GR Painting, George Medina a/k/a JMC Construction, LLC, JMC Construction, Inc., Jesus Mora a/k/a J. Mora Brick and Block Mason, LLC, Juan Luis Sanchez a/k/a Sanchez Brothers Painting, Latitude Construction Services, LLC, The Muhler Company, Inc., Paul M. Vaquez, Richard Ditullio, Richard Ditullio a/k/a ROT Contracting, LLC Defendants,

Of whom 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 Hoems, Inc., Builders Support Services of the Carolinas, Inc., is the Appellant,

And

Jeffrey Sills, individually and as Class Representative, Marie Labarawoksi, Edward and Nancy Peyser, Francis Sills, Daniel and Suzanne Ruth, Stephani Adili, Marc and Brady Lynn, Russel Robinson, George Busnach, Helen Furtado, Jessica Baucom, Nancy S. Coleman, Linda Glitz, Peggy Gerou, Shannon Bebout, Maryann Walsh, Patty Whitmire, Donald L. Tomasello and Patricia Kelly, Chris Leigh-Jones, Edward Ray and Kathy Joe Feagins, Cindy Hund for Bentgrass Limited, LLC, Adam A. and Susan S. Sokoloski, William and Carolyn Barone, Michelle Ray, Eugene and Cynthia Ray, William Abel, Dean and Conny Mason, David McCartney, Paul and Patricia Waters, James and Andrea Lowry, R. Robinson, Jr. Thaddeus R. and Barbara A. Kuczynski, Beverly Sunders Carlson, Lisa Roeck, Elizabeth Jackson, Charles and Mary Kathleen Jenkins, Lind M. and Earl K. Rigler, Jr., John Twomey, Joe and Anita Brittain, Gilbert J. Haver and Kelly Hager Holes, Carol and Chris Gilespeie, Jared D. Overcash, Jeorge Medina, Jeorge Medina a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc., Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanchez Brothers Painting, and The Muhler Company, Inc., are the Respondents.

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MOTION FOR AN EXTENSION OF TIME

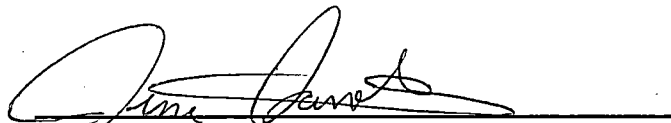
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Pursuant to Rule 240 of the South Carolina Appellate Court Rules, Appellants Jeffrey Sills, Individually and as Class Representative, Marie Labarowski, Edward and Nancy Peyser, Francis Sills, Daniel and Suzanne Ruth, Stephanie Adili, Marc and Brandy Lynn, Russell Robinson, George Busnach, Helen Furtado, Jessica Baucom, Nancy S. Coleman, Linda Glitz, Peggy Gerou, Shannon Bebout, Maryann Walsh, Patty Whitmire, Donald L. Tomasello and Patricia Kelly, Chris Leigh-Jones, Edward Ray and Kathy Jo Feagins, Cindy Hunt for Bentgrass Limited, LLC, Adam A. and Susan S. Sokoloski, William and Carolyne Barone, Michelle Ray, Eugene and Cynthia Ray, William Abel, Dean and Conny Mason, David McCartney, Paul and Patricia Waters, James and Andrea

Lowry, R. Robinson, Jr., Thaddeus R. and Barbara A. Kucynski, Beverly Sanders Carlson, Lisa Roeck, Elizabeth Jackson, Charles and Mary Kathleen Jenkins, Linda M. and Earl K. Rigler, Jr., John Twomey, Joe and Anita Brittain, Gilbert J. Hager and Kelly Hager Holmes, Carol and Chris Gilesie, Jared D. Overcash, and Waverly at Hamlin Plantation Townhome Association, Inc. (“Respondent/Appellants”) respectfully request a thirty (30) day extension of time to file the Initial Brief of Respondent/Appellants and Designation of Matter in the above-captioned appeal. If granted, this would be Respondent/Appellants’ second extension of time.

This request is necessitated due to undersigned counsel’s numerous other work conflicts, scheduling deadlines, and other court appearances/filings, and travel obligations. Currently Respondent/Appellants’ Initial Brief and Designation of Matter are due on August 14, 2017. Respondent/Appellants respectfully request a thirty (30) day extension of time until September 13, 2017.

Therefore, Respondent/Appellants respectfully request that this Court enter an order extending the deadline for the Initial Brief of Respondent/Appellants and Designation of Matter until September 13, 2017. Resppndent/Appellants further request that the current deadline be held in abeyance while the Court considers this request.



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KELLY, CHRIS LEIGH-JONES, EDWARD RAY AND  
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WILLIAM AND CAROLYNE BARONE, MICHELLE  
RAY, EUGENE AND CYNTHIA RAY, WILLIAM ABEL,  
DEAN AND CONNY MASON, DAVID MCCARTNEY,  
PAUL AND PATRICIA WATERS, JAMES AND ANDREA  
LOWRY, R. ROBINSON, JR., THADDEUS R. AND  
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CARLSON, LISA ROECK, ELIZABETH JACKSON,  
CHARLES AND MARY KATHLEEN JENKINS, LINDA  
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***AND ANITA BRITTAIN, GILBERT J. HAGER AND  
KELLY HAGER HOLMES, CAROL AND CHRIS  
GILESPIE, JARED D. OVERCASH, AND WAVERLY AT  
HAMLIN PLANTATION TOWNHOME ASSOCIATION,  
INC.***

August 11, 2017  
Charleston, South Carolina

THE STATE OF SOUTH CAROLINA  
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APPEAL FROM CHARLESTON COUNTY  
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The Honorable Deadra L. Jefferson  
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v.

Barr Construction, Inc., Benjamin Mora d/b/a Mora Construction, a/k/a Benjamin Mora Construction, LLC, Builders FirstSource-Atlantic Group, LLC, DBC Construction Services, LLC, Eli, Inc., Gerardo Rosette Sanchez a/k/a JMC Construction, Inc., Jesus Mora a/k/a J. Mora Brick and 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, Third-Party Defendants,

Of whom 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., is the Appellant,

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And

Jeffrey Sills, Individually and as Class Representative, Marie Labarowski, Edward and Nancy Peyser, Francis Sills, Daniel and Suzanne Ruth, Stephanie Adili, Marc and Brandy Lynn, Russell Robinson, George Busnach, Helen Furtado, Jessica Baucom, Nancy S. Coleman, Linda Glitz, Peggy Gerou, Shannon Bebout, Maryann Walsh, Patty Whitmire, Donald L. Tomasello and Patricia Kelly, Chris Leigh-Jones, Edward Ray and Kathy Jo Feagins, Cindy Hunt for Bentgrass Limited, LLC, Adam A. and Susan S. Sokoloski, William and Carolyne Barone, Michelle Ray, Eugene and Cynthia Ray, William Abel, Dean and Conny Mason, David McCartney, Paul and Patricia Waters, James and Andrea Lowry, R. Robinson, Jr., Thaddeus R. and Barbara A. Kucynski, Beverly Sunders Carlson, Lisa Roeck, Elizabeth Jackson, Charles and Mary Kathleen Jenkins, Linda M. and Earl K. Rigler, Jr., John Twomey, Joe and Anita Brittain, Gilbert J. Hager and Kelly Hager Holmes, Carol and Chris Gilespie, Jared D. Overcash, Plaintiffs,

v.

John Wieland Homes and Neighborhoods of the Carolinas, Inc., as Successory 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., Wheelock Street Capital, LLC d/b/a Jon Wieland Homes and Neighborhoods, Inc. Barr Construction, Inc. Benjamin Mora d/b/a Mora Construction, a/k/a Builders FirstSource-Atlantic Group, LLC, DBC Construction Services, LLC, Gerardo Rosette Sanchez a/k/a/a GR Painting, George Medina a/k/a JMC Construction, LLC, JMC Construction, Inc., Jesus Mora a/k/a J. Mora Brick and Block Mason, LLC, Juan Luis Sanchez a/k/a Sanchez Brothers Painting, Latitude Construction Services, LLC, The Muhler Company, Inc., Paul M. Vaquez, Richard Ditullio, Richard Ditullio a/k/a ROT Contracting, LLC Defendants,

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Proof of Service

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I, the undersigned, certify that I have served the **Motion for an Extension of Time** of Respondent/Appellants Jeffrey Sills, Individually and as Class Representative, Marie Labarowski, Edward and Nancy Peyser, Francis Sills, Daniel and Suzanne Ruth, Stephanie Adili, Marc and Brandy Lynn, Russell Robinson, George Busnach, Helen Furtado, Jessica Baucom, Nancy S. Coleman, Linda Glitz, Peggy Gerou, Shannon Bebout, Maryann Walsh, Patty Whitmire, Donald L. Tomasello and Patricia Kelly, Chris Leigh-Jones, Edward Ray and Kathy Jo Feagins, Cindy Hunt for Bentgrass Limited, LLC, Adam A. and Susan S. Sokoloski, William and Carolyne Barone, Michelle Ray, Eugene and Cynthia Ray, William

Abel, Dean and Conny Mason, David McCartney, Paul and Patricia Waters, James and Andrea Lowry, R. Robinson, Jr., Thaddeus R. and Barbara A. Kucysnksi, Beverly Sanders Carlson, Lisa Roeck, Elizabeth Jackson, Charles and Mary Kathleen Jenkins, Linda M. and Earl K. Rigler, Jr., John Twomey, Joe and Anita Brittain, Gilbert J. Hager and Kelly Hager Holmes, Carol and Chris Gillespie, Jared D. Overcash, and Waverly at Hamlin Plantation Townhome Association, Inc.'s to the attorneys of record by depositing a copy of it in the United States Mail on August 11, 2017, addressed to the following:

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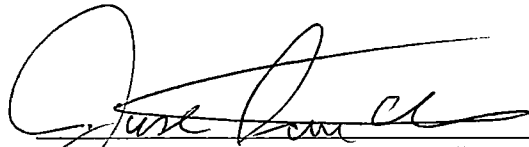
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*[Signature Page to Follow]*



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August 11, 2017  
Charleston, South Carolina



August 11, 2017

VIA USPS AND FACSIMILE (803) 734-1839

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

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AUG 17 2017

**SC Court of Appeals**

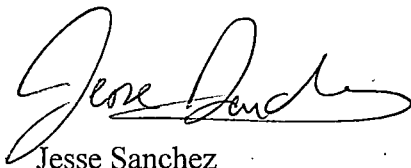
Re: Waverly at Hamlin Plantation Townhome Association, Inc. v. John Wieland  
Homes and Neighborhoods of the Carolinas, Inc., et al.  
Appellate Case No: 2017-000542

Dear Ms. Kitchings,

Enclosed herewith please find an original and one (1) copy of Respondent/Appellants' Motion for an Extension of Time and Proof of Service for the above-referenced case. Please file the same and return the file-stamped copy in the enclosed prepaid envelope. Also enclosed is our check for \$25.00 for the filing fee for this motion.

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

Sincerely,



Jesse Sanchez

**ATTORNEY FOR RESPONDENT/APPELLANTS JEFFREY SILLS, INDIVIDUALLY AND AS CLASS REPRESENTATIVE, MARIE LABAROWSKI, EDWARD AND NANCY PEYSER, FRANCIS SILLS, DANIEL AND SUZANNE RUTH, STEPHANIE ADILI, MARC AND BRANDY LYNN, RUSSELL ROBINSON, GEORGE BUSNACH, HELEN FURTADO, JESSICA BAUCOM, NANCY S. COLEMAN, LINDA GLITZ, PEGGY GEROU, SHANNON BEBOUT, MARYANN WALSH, PATTY WHITMIRE, DONALD L. TOMASELLO AND PATRICIA KELLY, CHRIS LEIGH-JONES, EDWARD RAY AND KATHY JO FEAGINS, CINDY HUNT FOR BENTGRASS LIMITED, LLC, ADAM A. AND SUSAN S. SOKOLOSKI, WILLIAM AND CAROLYNE BARONE, MICHELLE RAY, EUGENE AND THE LAW OFFICE OF JESSE SANCHEZ, LLC**

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Cc: All counsel of Record

The Law Office of Jesse Sanchez, LLC  
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Charleston, SC 29401

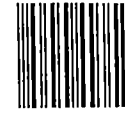
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R2303S100577-5



**RECEIVED**

AUG 17 2017

SC Court of Appeals

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



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COLUMBIA SC 292