

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM BERKELEY COUNTY  
Court of Common Pleas

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

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

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**RECEIVED**

SEP 25 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 Degg, 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.,

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.

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**MYERS LANDSCAPING, INC.'S  
MOTION FOR LEAVE TO FILE FINAL BRIEF OUT OF TIME**

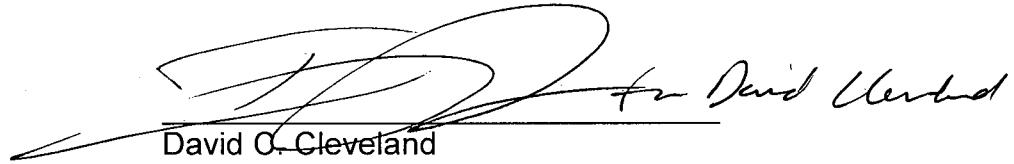
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Respondent, Myers Landscaping, Inc., respectfully moves this Court for an Order pursuant to Rule 263(b) SCACR for fifteen (15) day extension of time to file and serve its Final Brief which was due on September 7, 2017. Time has expired for Myers Landscaping, Inc. to file and serve its Final Brief. Myers Landscaping, Inc. has filed its Final Brief contemporaneously with this motion. This motion is not made for the purpose of undue delay, and is the first request for an extension of time.

With the requested extension, Respondent Myers Landscaping, Inc.'s Final Brief would be due September 22, 2017.

[Signature page to follow]

CLAWSON AND STAUBES, LLC

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

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

Charleston, South Carolina  
September 21, 2017

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM BERKELEY COUNTY  
Court of Common Pleas

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

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Appellate Case No. 2016-2339  
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Of which Lennar Carolinas, LLC is

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Lennar Carolinas, LLC

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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.


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PROOF OF SERVICE

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The undersigned hereby certifies that on the date indicated below he served counsel with a copy of Motion for Leave 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

September \_\_, 2017  
Charleston, South Carolina



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

September 21, 2017

File No.: 20163984.000

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

**RECEIVED**

SEP 25 2017

Re: Patricia Damico, et al. v. Myers Landscaping, et al.  
Case No.: 2014-CP-08-02424  
Appellant Case No.: 2016-2339

**SC Court of Appeals**

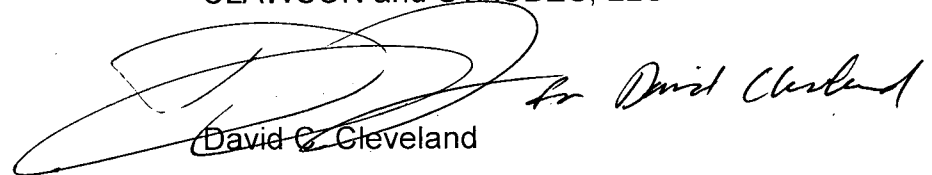
Dear Ms. Kitchings:

Enclosed please find an original and seven copies of Respondent Myers Landscaping, Inc.'s Motion for Leave to File Final Brief Out of Time and Proof of Service in the above-referenced case. Please file the original along with the other documents in this case and return the file stamped copy to our office in the enclosed self-addressed stamped envelope. Should you have any questions, please do not hesitate to contact me.

Thank you very much for your attention to this matter.

Very truly yours,

CLAWSON and STAUBES, LLC



David C. Cleveland

DCC/sns  
Enclosures  
cc: All Counsel of Record

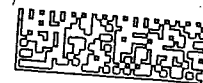
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SC Court of Appeals

**CLAWSON  
STAUBES**  
LLC

126 Seven Farms Drive Suite 200  
Charleston, SC 29492-8144  
File No.: 20163984.000

The Honorable Jenny Abbott  
Kitchings  
South Carolina Court of Appeals  
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