

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

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, Geometries 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, 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, and Low Country Renovations and Siding, LLP, Third-Party Defendants,

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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.

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, Isidini Mejia, Juan Perez, N&B Construction, LLC, Jose Dias Rodrigues, Livia Sousa, Jose Paz Castro Hernandez, Divinio Apreccido Corgosinho, Ricardo Chiche, CEBS Construction, Bayshore Siding and Flooring, Sebastio Luiz de Araujo, and John Does 1-4, Fourth Party Defendants.

RESPONDENTS' MOTION FOR FIRST EXTENSION OF TIME TO FILE AND SERVE ITS RETURN TO APPELLANT LENNAR CAROLINA LLC'S PETITION TO REVIEW THE CIRCUIT COURT'S ORDER LIFTING AUTOMATIC STAY

NOW COMES Respondents Patricia Damico, Joshua and Brittany Beutow, Bryan and Cynthia Camara, Matthew Collins, Jonathan and Theresa Douglass, Czara and Chad England, Lenna Lucas, and Danny and Eifen Davis Morrow, ("Respondents") by and through its undersigned counsel, and respectfully moves the Court pursuant to Rule 240 and Rule 263, SCACR for a seven (7) day extension of time to and including Friday, June 22, 2018, to file and serve its Return to Appellant Lennar Carolina, LLC's Petition to Review the Circuit Court's Order Lifting the Automatic Stay. The current deadline is Friday, June 15, 2018.

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In support thereof Respondents shows the Court the following:

1. Respondents' time for filing their Return to Appellant Lennar Carolina, LLC's Petition to Review the Circuit Court's Order Lifting the Automatic Stay has not expired.

2. Counsel for Appellants consents to the requested extension as shown on the correspondence attached as Exhibit A.

3. This request is necessitated due to undersigned counsel's numerous other work conflicts and scheduling deadlines.

4. Respondents need additional time to prepare their Return to Appellant Lennar Carolina, LLC's Petition to Review the Circuit Court's Order Lifting the Automatic Stay.

5. A seven (7) day extension of time for Respondents to file their Return to Appellant Lennar Carolina, LLC's Petition to Review the Circuit Court's Order Lifting the Automatic Stay will serve the interests of justice by allowing counsel adequate time to prepare a thorough and detailed Return.

6. Respondents do not request this extension for the impermissible purpose of delay.

WHEREFORE, the below-named Respondents respectfully move the Court for a seven (7) day extension of time to and including Friday, June 22, 2019, to file and serve Respondents' their Return to Appellant Lennar Carolina, LLC's Petition to Review the Circuit Court's Order Lifting the Automatic Stay. Respondents further request that the current deadline be held in abeyance while the Court considers this request.

[Signature on Following Page]

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Respectfully submitted,



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ENGLAND, LENNA LUCAS, AND DANNY AND
ELLEN DAVIS MORROW**

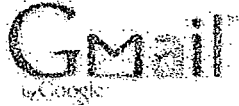
June 14, 2018
Charleston, South Carolina

EXHIBIT A

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6/14/2018

The Law Office of Jesse Sanchez Mail - FW: Damico, et al. v. Lennar Carolinas, LLC, et al. Appellate Case 20216-2339



Jesse Sanchez <jesse@jessesanchezlaw.com>

FW: Damico, et al. v. Lennar Carolinas, LLC, et al. Appellate Case 20216-2339

Renee Gainey <rgainey@hayeslaw.org>

Thu, Jun 14, 2018 at 10:31 AM

To: Jesse Sanchez <jesse@jessesanchezlaw.com>

Mr. Werner has no objection.

Renee C. Gainey

Paralegal to John C. Hayes, Nina E. Meola

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Email: rgainey@hayeslaw.org

From: Werner, James L. <jimwerner@parkerpoe.com>

Sent: Thursday, June 14, 2018 10:31 AM

To: Renee Gainey <rgainey@hayeslaw.org>

Subject: RE: Damico, et al. v. Lennar Carolinas, LLC, et al. Appellate Case 20216-2339

We have no objection

James Werner
Partner



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Visit our website at
www.parkerpoe.com

6/14/2018

The Law Office of Jesse Sanchez Mail - FW: Damico, et al. v. Lennar Carolinas, LLC, et al. Appellate Case 20216-2339

From: Renee Gainey [mailto:rgainey@hayeslaw.org]
Sent: Thursday, June 14, 2018 9:42 AM
To: Werner, James L.
Subject: Damico, et al. v. Lennar Carolinas, LLC, et al. Appellate Case 20216-2339

Caution: External email

Re: Patricia Damico, et. al. v. Lennar Carolinas, LLC, et al.

Case No. 2014-CP-08-2424; Appellate Case No. 2016-23339.

Mr. Werner,

Good morning, I hope all is well. We would like to file a Motion for Extension of Time to File and Serve Respondents' Return in the above-referenced matter. Would you kindly consent to a 5-7 day extension? Thank you and please let me know if there's anything I can do.

Renee C. Gainey

Paralegal to John C. Hayes, Nina E. Meola

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June 14, 2018

VIA USPS PRIORITY MAIL AND FAX (803) 734-1839

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
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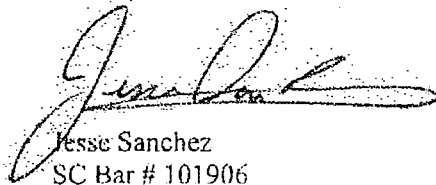
Re: Patricia Damico, et. al. v. Lennar Carolinas, LLC, et al.
Case No. 2014-CP-08-2424; Appellate Case No. 2016-2339.

Dear Ms. Kitchings,

Enclosed herewith, please find one (1) original and six (6) copies of *Respondents' Motion For First Extension of Time to File and Serve its Return to Appellant Lennar Carolina LLC's Petition to Review the Circuit Court's Order Lifting Automatic Stay and Proof of Service*. Please also allow this letter to serve as a Notice of Appearance of Jesse Sanchez as attorney of record for the below-listed Respondents. A check for the \$25.00 the filing fee for this motion is enclosed.

Thank you for your assistance with this matter. Should you have any questions or wish to discuss the request, please do not hesitate to contact me directly.

Sincerely,



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And

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67-776/532 9431
34-98-6849

DATE June 14, 2018

PAY TO THE ORDER OF SOUTH CAROLINA COURT OF APPEALS

\$ 25⁰⁰/₁₀₀

TWENTY-FIVE

DOLLARS



Wells Fargo Bank, N.A.
Member FDIC

APP CASE 2016-2339

FOR MPION FOR EXTENSION

[Redacted area]

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