

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM LEXINGTON COUNTY
COURT OF COMMON PLEAS

THE HONORABLE R. KNOX McMAHON
CIRCUIT COURT JUDGE

RECEIVED

NOV 06 2018

APPELLATE CASE NO. 2018-001244
CIVIL ACTION NO. 2016-CP-32-02742

SC Court of Appeals

Tina Huffstetler,

RESPONDENT,

versus

Michael Nemece & Company, Inc.; Nemece Construction Company, Inc.; Michael Nemece, Individually; C. Jeff Stroud Architect, AIA, Inc.; Jeff Stroud, Individually; Lake Murray Environmental Services, LLC; J & A Masonry, LLC; Chris Phillips, individually and d/b/a J & C Framing; P&B Building, LLC; SH Land Clearing & Excavating, Inc; Land Clearing & Excavating, Inc; George Otto d/b/a Otto Express Cabinets & Trim; Lake Murray Environmental Services, LLC; Timothy Clark d/b/a Timothy Clark Roofing; CDH Painting, LLC d/b/a CDH Custom Painting; Forterra Brick, LLC; Hollis Plumbing Co., Inc.; Ace Drywall, Inc; Toby Kesister; and Bruce Chavis,

DEFENDANTS,

Of which Michael Nemece & Company, Inc.; Nemece Construction Company, Inc.; and Michael Nemece, Individually are the

APPELLANTS.

MOTION FOR EXTENSION OF TIME

The Initial Brief of Appellants - Michael Nemecek & Company, Inc.; Nemecek Construction Company, Inc.; and Michael Nemecek, Individually - and Designation of Matter to be Included in the Record on Appeal were originally due on October 5, 2018. At the Appellants' request, the Court granted a 30-day extension of time, until November 5, 2018, to serve and file the Appellants' Initial Brief and Designation of Matter. The Appellants respectfully request the Court to grant a second extension of 30 days, or until Wednesday, December 5, 2018, to serve and file their Initial Brief of Appellants and Designation of Matter.

Counsel for the Appellants requests a second extension due to a heavy workload, including the preparation of a federal court motion for summary judgment, a response to a motion for preliminary injunction in federal court, and a response to a motion to dismiss. In addition, the parties are possibly working on reaching an agreement as to the issues on appeal.

Counsel for Appellants has contacted Respondent's counsel, and he consents to this request as indicated in the attached document.

Accordingly, the Appellants respectfully request an additional 30-day extension of time in which to serve and file their Initial Brief of Appellants and Designation of Matter to be Included in the Record on Appeal.

[signature block on following page]

C. Ganjehsani

Carmen V. Ganjehsani
RICHARDSON, PLOWDEN & ROBINSON, PA
1900 Barnwell Street (29201)
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Columbia, South Carolina 29202
(803) 771-4400

Drew Hamilton Butler
John H. Guerry
RICHARDSON, PLOWDEN & ROBINSON, PA
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(803) 805-6550
**ATTORNEYS FOR APPELLANT
MICHAEL NEMEC & COMPANY, INC.
and MICHAEL NEMEC, INDIVIDUALLY**

Neal Truslow *signed w/ express*

Neal D. Truslow
914 Richland Street, Suite B-102
P.O. Box 1465
Columbia, South Carolina 29202
(803) 256-6276

*permission
by
CVC*

**ATTORNEYS FOR APPELLANTS
MICHAEL NEMEC & COMPANY, INC.;
MICHAEL NEMEC, INDIVIDUALLY; and
NEMEC CONSTRUCTION COMPANY, INC.**

November 5, 2018.

EXHIBIT "A"

Carmen Ganjehsani

From: John M. Grantland <jgrantland@murphygrantland.com>
Sent: Friday, November 02, 2018 1:57 PM
To: Carmen Ganjehsani
Cc: Drew Butler; Rogers E. Harrell, III; bbruner@brunerpowell.com;
nealtruslow@truslowlaw.com
Subject: Re: Huffstetler v. Nemece appeal

Yes. Thank you

Sent from my iPhone

On Nov 2, 2018, at 1:53 PM, Carmen Ganjehsani <CGanjehsani@RichardsonPlowden.com> wrote:

Simply doublechecking with everyone that I do have consent to file the extension.

From: Drew Butler
Sent: Friday, November 02, 2018 12:15 PM
To: 'John M. Grantland'; Carmen Ganjehsani; Rogers E. Harrell, III; bbruner@brunerpowell.com
Cc: nealtruslow@truslowlaw.com
Subject: RE: Huffstetler v. Nemece appeal

John is correct. The plan is to withdraw the appeal. But my Third Party Administrator originally assigned to this case (Empirical) is no longer in business and I need time to find a new adjuster through the underlying carrier (Arch). The extension will give us time to: 1) nail down a new adjuster; and 2) get the subs on board with the new allegations articulated in your recent expert report. I think we're all on the same page.

Drew

HOME	VCARD	BIO	LOCATION
	Drew Hamilton Butler Attorney at Law dbutler@richardsonplowden.com Richardson, Plowden & Robinson, P.A. 1900 Barnwell Street <image001.jpg> Columbia, SC 29201 AND P.O. Box 21203 Charleston, SC 29413 Tel: 843-805-6550 Cell: 803-760-6904 www.RichardsonPlowden.com		

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**From:** John M. Grantland [mailto:jgrantland@murphygrantland.com]  
**Sent:** Friday, November 02, 2018 12:08 PM  
**To:** Carmen Ganjehsani; Rogers E. Harrell, III; bbruner@brunerpowell.com

**Cc:** Drew Butler; [nealtruslow@truslowlaw.com](mailto:nealtruslow@truslowlaw.com)

**Subject:** RE: Huffstetler v. Nemece appeal

Thank you Carmen. What is the ultimate plan for you all? I assumed after talking to Drew that the appeal was going to be withdrawn. Please let us know.

Thanks and take care,  
JG



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**From:** Carmen Ganjehsani <[CGanjehsani@RichardsonPlowden.com](mailto:CGanjehsani@RichardsonPlowden.com)>  
**Sent:** Friday, November 02, 2018 12:00 PM  
**To:** John M. Grantland <[jgrantland@murphygrantland.com](mailto:jgrantland@murphygrantland.com)>; Rogers E. Harrell, III <[rharrell@murphygrantland.com](mailto:rharrell@murphygrantland.com)>; [bbruner@brunerpowell.com](mailto:bbruner@brunerpowell.com)  
**Cc:** Drew Butler <[DButler@RichardsonPlowden.com](mailto:DButler@RichardsonPlowden.com)>; [nealtruslow@truslowlaw.com](mailto:nealtruslow@truslowlaw.com)  
**Subject:** Huffstetler v. Nemece appeal

I am handling the appeal on behalf of the Nemece defendants in this case. My Initial Appellants' Brief and Designation of Matter are currently due on Monday, November 5 pursuant to a first extension. I was wondering if you would consent to a second extension of 30 days for me to file the brief.

Thank you,  
Carmen Ganjehsani

| HOME           | VCARD                                                                                                                                                                                                   | LOCATION |
|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
|                | Carmen V. Ganjehsani<br>Special Counsel<br><a href="mailto:Cganjehsani@RichardsonPlowden.com">Cganjehsani@RichardsonPlowden.com</a>                                                                     |          |
| <image003.jpg> | Richardson Plowden & Robinson, P.A.<br>1900 Barnwell Street<br>Columbia, SC 29201<br>Tel: 803.253.8692<br>Fax: 803.779.0016<br><a href="http://www.RichardsonPlowden.com">www.RichardsonPlowden.com</a> |          |

**CERTIFICATE OF SERVICE**

I, the undersigned, an employee of Richardson Plowden & Robinson, P.A., do hereby certify that I have this date served the foregoing Motion for Extension, dated November 5, 2018, by personally depositing a copy of the same in a United States Postal Service mailbox, postage prepaid, addressed to the parties indicated below:

John M. Grantland, Esquire  
Rogers E. Harrell, III, Esquire  
MURPHY & GRANTLAND, PA  
P.O. Box 6648  
Columbia, SC 29260

Benjamin C. Bruner, Esquire  
BRUNER POWELL WALL & MULLINS, LLC  
P.O. Box 61110  
Columbia, SC 29260  
**ATTORNEYS FOR PLAINTIFF**  
**TINA HUFFSTETLER**



---

Carmen V. Ganjehsani  
RICHARDSON, PLOWDEN & ROBINSON, PA  
Post Office Drawer 7788  
Columbia, South Carolina 29202

Date: November 5, 2018.

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Reply to: **Carmen V. Ganjehsani**  
Direct Dial: 803-253-8692  
cganjehsani@richardsonplowden.com

November 5, 2018

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

Re: *Tina Huffstetler v. Michael Nemeč & Company, Inc. et al.*  
*Appellate Case No.: 2018-001244*  
*Case No.: 2016-CP-32-02742*  
*RPR File No.: 8981-002*

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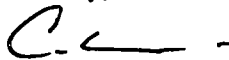
Dear Ms. Kitchings:

I am enclosing for filing the original and six copies of the Appellants' Motion for Extension of Time to file the Initial Appellants' Brief and Designation of Matter to be Included in the Record on Appeal in the above-referenced matter, along with our Certificate of Service. Also enclosed is our firm's check in the amount of \$25.00 to cover the filing fee for this Motion.

By copy of this letter, we are serving a copy of this Motion on counsel for the Respondent.

If you should have any questions, please do not hesitate to contact me.

Sincerely,

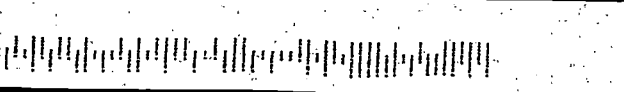


Carmen V. Ganjehsani

Encs.

cc: John M. Grantland, Esquire  
Rogers E. Harrell, III, Esquire  
Benjamin C. Bruner, Esquire  
Drew Hamilton Butler, Esquire  
John H. Guerry, Esquire

J



Hasler

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**RICHARDSON**  
RICHARDSON PLOWDEN ROBINSON, P.A.  
**PLOWDEN**  
ATTORNEYS AT LAW

COLUMBIA P.O. Drawer 7788 • Columbia, SC 29202

The Honorable Jenny Abbott Kitching  
Clerk of Court, S.C. Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

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