

89781

IN THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Jennifer B. McCoy, Circuit Court Judge

Case No. 2015-CP-10-00955

Appellate Case No. 2019-000238

Ex Parte:

Builders Mutual Insurance Company, Nationwide Mutual
Fire Insurance Company, Nationwide Mutual Insurance
Company, and Nautilus Insurance Company,.....Appellants,

In Re:

Palmetto Pointe at Peas Island Condominium Property
Owners Association, Inc. and Jack Lowe, individually, and
on behalf of all others similarly situated,..... Plaintiffs,

v.

Island Pointe, LLC, Leonard T. Brown; Complete Building
Corporation, Tri-County Roofing, Inc.; Creekside, Inc.;
American Residential Services, LLC d/b/a Rescue Rooter
Charleston; Andersen Windows, Inc.; Atlantic Building
Construction Services, Inc. n/k/a Atlantic Construction
Services, Inc.; Christopher N. Union; Builder Services
Group, Inc. d/b/a Gale Contractor Services; Novus
Architects, Inc. f/k/a SGM Architects, Inc.; Tallent and
Sons, Inc.; W C Services, Inc., CRG Engineering, Inc.;
Certainteed Corporation; Kelly Flooring Products, Inc.
d/b/a Carpet Baggers, and John Does 1-60,..... Defendants,

Tri-County Roofing, Inc., Third-Party Plaintiff,

RECEIVED
MAY 14 2019
SC Court of Appeals

v.

Cornerstone Construction and Mark Malloy d/b/a
Cornerstone Construction; Gutter Works, Inc. and Michael
L. Segars d/b/a Gutter Works; Mr. Gutter; Litchfield
Seamless Gutters & Windows, LLC and Thomas Litchfield
d/b/a Litchfield Seamless Gutter; Miracle Siding, LLC and
Wilson Lucas Sales d/b/a Miracle Siding, LLC; Mark
Palpoint a/k/a Micah Palpoint; Elroy Alonzo Vasquez; and
Chris a/k/a John Doe 61,..... Third-Party Defendants,

And

Complete Building Corporation, Inc., Third-Party Plaintiff,

v.

Alderman Construction; Stanley’s Vinyl Fence Designs;
Cohen’s Drywall; and Mosley Concrete,..... Third-Party Defendants,

Of whom Palmetto Pointe at Peas Island Condominium
Property Owners Association, Inc. and Jack Lowe,
Individually, and on behalf of all others similarly situated,
Tri-County Roofing, Inc.; Stanley’s Vinyl Fence Designs;
and WC Services, Inc. are..... Respondents,

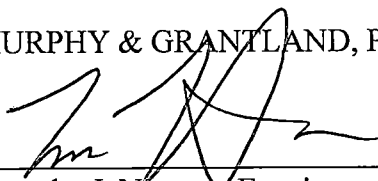
**MOTION FOR EXTENSION OF TIME TO FILE INITIAL BRIEF
ON BEHALF OF
APPELLANT NATIONWIDE MUTUAL INSURANCE COMPANY**

Pursuant to Rule 240, SCACR, Appellant Nationwide Mutual Insurance Company
(hereinafter “Nationwide Mutual”) hereby requests a thirty (30) day extension of time to
file and serve its Initial Brief and Designation of Matter under Rules 208 and 209, SCACR.
This request is the first one by Nationwide Mutual. This request is made because the trial

of the underlying action, from which this appeal arises, is presently taking place and may not conclude until after the deadline, which is currently May 15, 2019. Because Nationwide Mutual's appeal concerns issues that may be presented and adjudicated at trial, issues on appeal will likely be impacted by the result of the trial. Thus, Nationwide Mutual requests this extension to assess the conclusion of the trial and brief the issues accordingly.

Respectfully submitted,

MURPHY & GRANTLAND, P.A.

A handwritten signature in black ink, appearing to read 'Timothy J. Newton', is written over a horizontal line.

Timothy J. Newton, Esquire

P.O. Box 6648

Columbia, SC 29260

(803) 782-4100

Attorney Nationwide Mutual Insurance
Company

Columbia, SC
May 14, 2019

IN THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Jennifer B. McCoy, Circuit Court Judge

Case No. 2015-CP-10-00955

Appellate Case No. 2019-000238

Ex Parte:

Builders Mutual Insurance Company, Nationwide Mutual
Fire Insurance Company, Nationwide Mutual Insurance
Company, and Nautilus Insurance Company,.....Appellants,

In Re:

Palmetto Pointe at Peas Island Condominium Property
Owners Association, Inc. and Jack Lowe, individually, and
on behalf of all others similarly situated,..... Plaintiffs,

v.

Island Pointe, LLC, Leonard T. Brown; Complete Building
Corporation, Tri-County Roofing, Inc.; Creekside, Inc.;
American Residential Services, LLC d/b/a Rescue Rooter
Charleston; Andersen Windows, Inc.; Atlantic Building
Construction Services, Inc. n/k/a Atlantic Construction
Services, Inc.; Christopher N. Union; Builder Services
Group, Inc. d/b/a Gale Contractor Services; Novus
Architects, Inc. f/k/a SGM Architects, Inc.; Tallent and
Sons, Inc.; W C Services, Inc., CRG Engineering, Inc.;
Certainteed Corporation; Kelly Flooring Products, Inc.
d/b/a Carpet Baggers, and John Does 1-60,.....Defendants,

Tri-County Roofing, Inc., Third-Party Plaintiff,

RECEIVED
MAY 14 2019
SC Court of Appeals

v.

Cornerstone Construction and Mark Malloy d/b/a
Cornerstone Construction; Gutter Works, Inc. and Michael
L. Segars d/b/a Gutter Works; Mr. Gutter; Litchfield
Seamless Gutters & Windows, LLC and Thomas Litchfield
d/b/a Litchfield Seamless Gutter; Miracle Siding, LLC and
Wilson Lucas Sales d/b/a Miracle Siding, LLC; Mark
Palpoint a/k/a Micah Palpoint; Elroy Alonzo Vasquez; and
Chris a/k/a John Doe 61,..... Third-Party Defendants,

And

Complete Building Corporation, Inc., Third-Party Plaintiff,

v.

Alderman Construction; Stanley’s Vinyl Fence Designs;
Cohen’s Drywall; and Mosley Concrete,..... Third-Party Defendants,

Of whom Palmetto Pointe at Peas Island Condominium
Property Owners Association, Inc. and Jack Lowe,
Individually, and on behalf of all others similarly situated,
Tri-County Roofing, Inc.; Stanley’s Vinyl Fence Designs;
and WC Services, Inc. are..... Respondents,

PROOF OF SERVICE

I certify that I have served the Appellant’s Motion for Extension of Time, via
regular and electronic mail, on May 14, 2019, to the following attorneys of record for
opposing parties(s):

Justin O'Toole Lucey, Esq.
Stephanie D. Drawdy, Esq.
Joshua F. Evans, Esq.
Justin O'Toole Lucey, P.A.
P.O. Box 806 (29465)
415 Mill Street
Mt. Pleasant, South Carolina 29464
843-849-8400
jlucey@lucey-law.com
sdrawdy@lucey-law.com
jevans@lucey-law.com

Attorneys for Palmetto Pointe at Peas Island Condominium Property Owners Association, Inc., and Jack Love, individually, and on behalf of all others similarly situated

Edward D. Buckley, Jr., Esq.
Young Clement Rivers, LLP
Post Office Box 993
Charleston, South Carolina 29402
843-577-4000
ebuckley@ycrlaw.com

Attorneys for Palmetto Pointe at Peas Island Condominium Property Owners Association, Inc., and Jack Love, individually, and on behalf of all others similarly situated

F. Cordes Ford, IV, Esq.
Heather Chiovaro, Esq.
Womble Bond Dickinson
Post Office Box 999
Charleston, South Carolina 29402
843-720-4631
cordes.ford@wbd-us.com
heather.chiovaro@wbd-us.com

Attorneys for American Residential Services, LLC d/b/a ARS Rescue Rooter
Charleston

Graham Powell, Esq.
John J. Dodds, IV, Esq.
Wall Templeton
145 King Street, Suite 300
Post Office Box 1200
Charleston, South Carolina 29402
843-329-9500
Graham.Powell@WallTempleton.com
Jolm.Dodds@WallTempleton.com
Attorneys for Andersen Windows Inc.

S. Markey Stubbs, Esq.
Baker Ravenel & Bender, LLP
Post Office Box 8057
Columbia, South Carolina 29202
mstubbs@brblegal.com
803-799-9091
Attorney for Creekside, Inc.

David S. Cobb, Esq.
Turner Padgett Graham & Laney, P.A.
Post Office Box 22129
Charleston, South Carolina 29413-2129
843-576-2800
dcobb@turnerpadgett.com
Attorney for Complete Building Corporation, Inc.

David A. Anderson, Esq.
Jasmine Wyman, Esq.
Richardson Plowden & Robinson, P.A. Post Office Drawer 7788
Columbia, South Carolina 29202
803-771-4400
danderson@richardsonplowden.com
jwyman@RichardsonPlowden.com
Attorneys for Mosley Concrete

Everett A. Kendall, II, Esq.
Murphy & Grantland, P.A.
Post Office Box 6648
Columbia, South Carolina 29260
803-782-4100
rkendall@murphygrantland.com
Attorney for Complete Building Corporation

Brent M. Boyd, Esq.
Robert M. Peele, HI, Esq.
Murphy & Grantland, PA
Post Office Box 6648
Columbia, SC 29211
803-782-4100
bboyd@murphygrantland.com
rpeele@mutphygrantland.com
Attorneys for Gutter Works, Gutter Works, Inc., Kelly Flooring Products, Inc. d/b/a
Carpet Baggers, and Michael L. Segars

Bonum S. Wilson, III, Esq.
Brandon T. Reeser, Esq.
Wilson & Heyward, LLC
Post Office Box 13177
Charleston, South Carolina 29422
843-762-4567
bwilson@wilsonheyward.com
breeser@wilsonheyward.com
Attorneys for Miracle Siding, LLC, Wilson Lucas Sales d/b/a Miracle Siding, LLC and
Eloy Alonzo Vasquez

Andrew N. Cole, Esq.
Collins and Lacey
Post Office Box 12487
Columbia, South Carolina 29211
803-256-2660
acole@collinsandlacy.com
Attorney for JMC Construction Inc., JMC Construction, LLC, Tri County Roofing, Inc.

James H. Elliott, Jr., Esq.
F. Heyward Grimball, Esq.
Richardson Plowden & Robinson, P.A.
171 Church Street, Suite 150
Charleston, South Carolina 29413
843-805-6550
jelliott@richardsonplowden.com
fhgrimball@richardsonplowden.com
Attorneys for Atlantic Construction Services, Inc. and Keller Electric, LLC

Steven L. Smith, Esq.
Zachary J. Closser, Esq.
Samuel M. Wheeler, Esq.
Smith Closser, P.A.
Post Office Box 40578
Charleston, South Carolina 29423
843-760-0220
Attorneys for Tri County Roofing, Inc.

Christopher M. Ramsey, Esq.
The Bostic Law Firm Group, P.A.
2236 Ashley Crossing Drive
Charleston, South Carolina 29414
843-571-2525
eramsey@bosticlaw.com
Attorney for Island Pointe, LLC and Christopher N. Union

Bachman S. Smith, IV, Esq.
Haynsworth Sinkler Boyd, P.A.
Post Office Box 340
Charleston, South Carolina 29402-0340
843-722-3366
bsmithiv@hsblawfirm.com
Attorney for Russell Rusty Hill, Rustys Heating and Air and Rustys Heating & Air

Ian S. Ford, Esq.
Hunter H. James
Ford Wallace Thomson, LLC
715 King Street
Charleston, South Carolina 29403
843-277-2011
Ian.Ford@FordWallace.com
Hunter.James@FordWallace.com
Attorneys for John F. Toolin Heat and Air and John Toolin

W. Duffle Powers, Esq.
R. Batten Farrar, Esq.
Carter Massingill
Gallivan, White & Boyd, P.A.
Post Office Box 10589
Greenville, South Carolina 29603
843-271-9580
dpowers@gwblawfirm.com
bfarrar@gwblawfirm.com
cmassingill@gwblawfirm.com
Attorneys for Tallent and Sons, Inc.

Michael E. Wright, Esq.
Dunn Hollingsworth, Esq.
Robertson Hollingsworth Manos & Rahn, LLC
550 King Street, Suite 300
Charleston, South Carolina 29403
843-619-0262
Mew@Roblaw.com
Attorney For Atlantic Construction Services, Inc.

James A. Atkins, Esq.
Clawson and Staubes, LLC
126 Seven Farms Drive, Suite 200
Charleston, South Carolina 29492-8144
800-774-8242
jatkins@clavvsonandstaubes.com
Attorney for W C Services, Inc.

Erin D. Dean, Esq.
Tupper, Grimsley, Dean & Canaday, P.A.
Post Office Box 2055
Beaufort, South Carolina 29901-2055
843-524-1116
erindean@tgdcpa.com
Attorney for Warren Anderson.

G. Troy Thames, Esq.
Willson, Jones, Carter & Baxley, PA
421 Wando Park Blvd., Suite 100
Mt. Pleasant, South Carolina 29464
843-284-1080
tthames@wjlaw.net
Attorney for Stanley's Vinyl Fence Designs

Janice Holmes, Esq.
Shelley S. Montague, Esq.
Gallivan White & Boyd, P.A.
Post Office Box 7368
Columbia, South Carolina 29202
803-779-1833
iholrnes@GWBlawfirm.com
smontague@GWBlawfirm.com
Attorneys for Nautilus Insurance Company

Christopher M. Adams, Esq.
James L. Williams, Esq.
Collins & Lacy, P.C.
Post Office Box 12487
Columbia, South Carolina 29211
803-256-2660
cadams@collinsandlacy.com
jvilliams@collinsandlacy.com
Attorneys for Martin Barr and Port City Structured Wiring

Shanna M. Stephens, Esq.
Jonathan L. Anderson, Esq.
Thomas F. Drazan, Esq.
Anderson, Reynolds & Stephens, LLC
Post Office Box 87
Charleston, South Carolina 29401
843-723-0185
sstephens@arlawsc.com
janderson@arlawsc.com

Attorneys for Keller Electric LLC and Mr. Gutter

Joseph S. McCue, Esq.
Collins & Lacy, P.C.
Post Office Box 12487
Columbia, South Carolina 29211
jmccue@collinsandlacy.com
Attorney for Builder Services Group, Inc. d/b/a Gale Contractor Services

James H. Elliott, Jr., Esq.
Megan White, Esq.
Richardson Plowden & Robinson, P.A.
Post Office Box 21203
Charleston, South Carolina 29413
843-805-6550
jelliott@richardsonplowden.com
mwhite@richardsonplowden.com
Attorneys for Atlantic Construction Services, Inc. and Keller Electric, LLC

R. Michael Ethridge, Esq.
Suzanne E. Deters, Esq.
Ethridge Law Group, LLC
Post Office Box 20969
Charleston, South Carolina 29413
843-614-0007
methridge@ethridgelawgroup.com
sdeters@ethridgelawgroup.com
Attorneys for Liliana Rojas Flores, Cornerstone Construction and Mark Malliy d/b/a
Cornerstone Construction, Mark Malloy

Nicholas A. Farr, Esq.
Gallivan White Boyd
P.O. Box 10589 (29603)
One Liberty Square
55 Beattie Place, Suite 1200
Greenville, SC 29601
864-271-9580
nfarr@gWblawfirm.com
Attorney for State Farm Insurance Company

W. James Flynn, Esq.
Goodman McGuffey LLP
7 Technology Circle, Suite 460
Columbia, SC 29203-8403
800-404-6930
jflynn@GM-LLP.com

Attorney for FCCI Insurance Company

Robert Trippett Boineau
J. Adam Ribock
McAngus, Goudelock & Courie, LLC
P.O. Box 12519
Columbia, SC 29211
803-227-4937
Trippett.boineau@mgclaw.com
Adam.ribock@mgclaw.com
Attorneys for Alderman Construction

O. Carlisle Edwards, Jr., Esq.
McAngus, Goudelock & Courie, LLC
P.O. Box 650007
Mt. Pleasant, SC 29465
843-576-2949
cedwards@mgclaw.com
Attorney for Cohen's Drywall

Eric G. Fosmire, Esq.
The Fosmire Law Firm, LLC
Post Office Box 153
Columbia, SC 29202
803-546-1067
Ericosmire@fosmirelaw.com
Attorney for Thomas Litchfield and Litchfield Seamless Gutters and Windows, LLC

Michael R. Daniel, Esq.
Daniel Law Firm
336 Cardinal Road
Elloree, SC 29047
843-729-6472
mdaniel@daniellawfirm.net
Attorney for Leonard T. Browne a/lc/a Tommy Browne

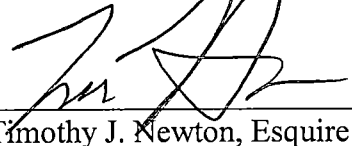
James Lynn Werner, Esq.
John G. Tamasitis, Esq.
Parker Poe Adams & Bernstein, LLP
1221 Main Street, Suite 1100
Post Office Box 1509 (29202)
Columbia, SC 29201
803-253-8913
jimwener@parkerpoe.com
johntamasitis@parkerpoe.com
Attorneys for Defendant CertainTeed Corporation

Michael B.T. Wilkes, Esq.
Alex Joyner, Esq.
Wilkes Law Firm, P.A.
127 Dunbar Street, Suite 200
Spartanburg, SC 29306
864-591-1113
mwilkes@wilkeslaw.com
ajoyner@wilkeslaw.com
Attorneys for Novus Architects, Inc. f/k/a SCM Architects, Inc.

Kevin M. O'Brien, Esq.
Phelps Dunbar, LLP
GlenLake One
4140 ParkLake Avenue, Suite 100
Raleigh, NC 27612-3723
919-789-5302
Kevin.obrien@phelps.com
Attorney for H&A Framing Construction, LLC

Respectfully submitted,

MURPHY & GRANTLAND, P.A.



Timothy J. Newton, Esquire
P.O. Box 6648
Columbia, SC 29260
(803) 782-4100
Attorney Nationwide Mutual Insurance
Company



MURPHY & GRANTLAND, P.A.

Timothy J. Newton
Direct dial 803-454-1242
tnewton@murphygrantland.com

May 14, 2019

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29211

**Re: Nationwide Mutual Insurance Company v. Palmetto Pointe at Peas Island
Condominium Property Owners Association, Inc., et al. Island Pointe, et al.**

Civil Action No.: 2015-CP-10-00955
Appellate Case No.: 2019--000238
M&G File No.: 1150-0960

Dear Ms. Kitchings:

Enclosed please find an original and six (6) copy of a Motion for Extension of Time to File Brief on behalf of Appellant Nationwide Mutual Insurance Company pursuant to Rule 208, SCACR in connection with this matter. The Initial Brief is presently due on May, 15, 2019. I am requesting a thirty (30) day extension. This request is the first one for an extension. Also enclosed is our firm check in the sum of \$50.00 representing the filing fee.

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

Best Regards,

Timothy J. Newton

TJN/jmm
Enclosures
cc: All Counsel of Record

RECEIVED
MAY 14 2019
SC Court of Appeals