

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

RECEIVED
AUG 28 2019
SC Court of Appeals

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,

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 Aperecido Corgosinho, Ricardo Chiche, CEBS Construction, Bayshore Siding and Flooring, Sebastio Luiz de Araujo, and John Does 1-4, Fourth Party Defendants.

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**APPELLANT LENNAR CAROLINAS, LLC's AND RESPONDENT HOMEOWNERS'
JOINT MOTION FOR CONTINUANCE OF ORAL ARGUMENT**

John C. Hayes, IV, Esquire
Hayes Law Firm, LLC
180 Meeting Street, Suite 330
Charleston, SC 29401
(843) 805-7003

Michael J. Jordan, Esquire
Steinberg Law Firm, LLP
PO Box 1028
Goose Creek SC 29445
843-572-0700

Jesse Sanchez, Esquire
The Law Office of Jesse Sanchez, LLC
98 ½ Broad Street, Suite B
Charleston, SC 29401
(843) 814-8181

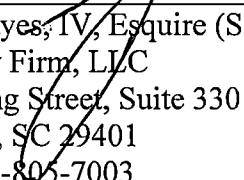
Catherine Dunn Meehan, Esquire
Steinberg Law Firm, LLP
PO Box 9
Charleston, SC 29402-009
(843) 720-2800

Attorneys for Respondents Patricia Damico, Joshua and Brettany Beutow, Bryan and Cynthia Camara, Matthew Collins, Jonathan and Theresa Douglass, Czara and Chad England, Lenna Lucas, and Danny and Ellen Davis Morrow

Appellant Lennar Carolinas, LLC, and Respondent Homeowners Patricia Damico and Lenna Lucas, individually and on behalf of all others similarly situated, Joshua and Brettany Beutow, Bryan and Cynthia Camara, Matthew Collins, Jonathan and Theresa Douglass, Czara and Chad England, and Danny and Ellen Davis Morrow (“Homeowner Respondents”), through their undersigned counsel, hereby respectfully submit this Motion to continue oral argument in the above-captioned case. This Motion is made pursuant to Rule 240 and Rule 216(d), SCACR.

Oral argument is currently scheduled for September 19, 2019. The grounds for this Motion are that the Appellant Lennar Carolinas, LLC and the Homeowner Respondents are engaged in further meaningful discussions and have agreed to mediate this case in an effort to avoid further litigation and the appellate process. Given the complexity of this case and the preliminary mediation schedules discussed among counsel, Appellant Lennar Carolinas, LLC and Homeowner Respondents respectfully request that oral argument in this matter be continued until January 2020, or later, so as to give the parties the opportunity to mediate the case in the interim.

Respectfully submitted,



John C. Hayes, IV, Esquire (SC Bar # 69740)
Hayes Law Firm, LLC
180 Meeting Street, Suite 330
Charleston, SC 29401
Phone: 843-805-7003
Fax: 843-573-7388
jhayes@hayeslaw.org

Jesse Sanchez, Esquire (SC Bar #101906)
The Law Office of Jesse Sanchez, LLC
98 ½ Broad Street, Suite B
Charleston, SC 29401
Phone: 843-814-8181

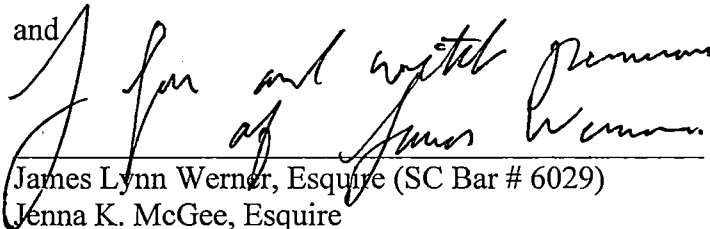
Fax: 843-284-3953
jesse@jessesanchezlaw.com

Michael J. Jordan, Esquire
PO Box 1028
Goose Creek SC 29445
mjordan@steinberglawfirm.com
843-572-0700

Catherine Dunn Meehan, Esquire
PO Box 9
Charleston, SC 29402-009
cmeehan@steinberglawfirm.com
843-720-2800

**ATTORNEYS FOR RESPONDENTS PATRICIA
DAMICO, JOSHUA AND BRETTANY BEUTOW,
BRYAN AND CYNTHIA CAMARA, MATTHEW
COLLINS, JONATHAN AND TERESA DOUGLASS,
CZARRA AND CHAD ENGLAND, LENNA LUCAS,
AND DANNY AND ELLEN DAVIS MORROW**

and


James Lynn Werner, Esquire (SC Bar # 6029)

Jenna K. McGee, Esquire
Parker Poe Adams and Bernstein LLP
PO Box 1509
Columbia, SC 29202
(803) 255-8000

ATTORNEYS FOR APPELLANT LENNAR CAROLINAS, LLC

August 27, 2019
Charleston, South Carolina

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

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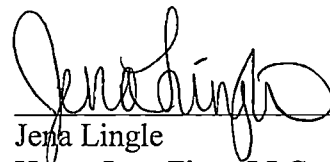
PROOF OF SERVICE

I, the undersigned, certify that I have served *Appellant Lennar Carolina, LLC's and Respondent Homeowners' Joint Motion for Continuance of Oral Argument* to the attorneys of record by depositing a copy of it in the United States Mail on August 27, 2019, addressed to the following:

<p>James Lyn Werner Jenna K. McGee Katon E. Dawson, Jr. Parker, Poe, Adams & Bernstein, LLP PO Box 1509 Columbia, SC 29201 <i>Attorneys for Appellant Lennar Carolinas, LLC</i></p>	<p>Michael J. Jordan Catherine K. Dunn The Steinberg Law Firm, LLP PO Box 1028 Goose Creek, SC 29445 <i>Attorneys for Respondents Patricia Damico; Joshua and Brettany Beutow; Bryan and Cynthia Camara; Matthew Collins; Jonathan and Theresa Douglass; Czara and Chad England; Lenna Lucas; Danny and Ellen Davis Morrow</i></p>
<p>Laura H. Budd The Budd Law Group, PLLC 10550 Independence Point Pkway, Suite 301 Matthews, NC 28105 <i>Attorneys for Respondent Alpha Omega Construction Group, Inc.</i></p>	<p>Stephen L. Brown Catherine H. Chase Young Clement Rivers, LLP PO Box 993 Charleston, SC 29402 <i>Attorneys for Respondent Alpha Omega Construction Group, Inc.</i></p>
<p>Stephen P. Hughes Howell Gibson and Hughes, P.A. PO Box 40 Beaufort, SC 29901 <i>Attorney for Respondent Builders FirstSource-Southeast Group, LLC</i></p>	<p>Brent M. Boyd PO Box 6648 4406-B Forest Dr. Columbia, SC 29260 <i>Attorney for Respondents Coastal Concrete Southeast, LLC and Coastal Concrete Southeast II, LLC</i></p>
<p>Kathy A. Carlston N. Keith Emge (Chip) Carlock Copeland & Stair, LLP 40 Calhoun Street, Suite 400 Charleston, SC 29401 <i>Attorney for Respondent Civil Site Environmental, Inc.</i></p>	<p>David S. Cobb Turner Padgett PO Box 22129 Charleston, SC 29413 <i>Attorney for Respondent Construction Applicators Charleston, LLC</i></p>
<p>Preston B. Dawkins, Jr. Aiken Bridges, P.A. P.O. Drawer 1931 Florence, SC 29503 <i>Attorneys for Respondent Alpha Omega Construction Group, Inc.</i></p>	<p>Jenny C. Honeycutt PO Box 13466 James Island, SC 29422 <i>Attorney for Respondent South Carolina Exteriors, LLC</i></p>

<p>Samia Nettles James H. Elliott, Jr. Richardson Plowden 40 Calhoun Street, Suite 220 Charleston, SC 29401 <i>Attorney for Respondent Décor Corporation and Manale Landscaping, LLC</i></p>	<p>R. Trippett Boineau, III Heath McAlvin Stewart, III McAngus, Goudelock & Courie, LLC PO BOX 12519 Columbia, SC 29211 <i>Attorneys for Respondent Spring Grove Plantation Development, Inc.</i></p>
<p>John E. Rogers, II The Ward Law Firm, p.A. PO Box 5663 Spartanburg, SC 29304 <i>Attorney for Respondent Land/Site Services, Inc.</i></p>	<p>Derek M. Newberry Hall Booth Smith, P.C. 40 Calhoun Street, Suite 550 Charleston, SC 29401 <i>Attorneys for Respondent Guaranteed Framing, LLC</i></p>
<p>Alan R. Belcher, Jr. 40 Calhoun Street, Suite 550 Charleston, SC 29401 <i>Attorneys for Respondent Guaranteed Framing, LLC</i></p>	<p>Steven L. Smith Zachary J. Closser Samuel M. Wheeler Smith Closser, P.A. PO Box 405878 Charleston, SC 29423-0578 <i>Attorneys for Respondents Knight's Concrete Products, Inc. and Knight's Redi-Mix, Inc.</i></p>
<p>Christine Companion Varnado The Seibels Law Firm 38 Broad Street, Suite 200 Charleston, SC 29401 <i>Attorneys for Respondent Guaranteed Framing, LLC</i></p>	<p>S. Markey Stubbs Baker Ravenel Bender PO Box 8057 Columbia, SC 29202 <i>Attorney for Respondent DVS, Inc.</i></p>
<p>Erin D. Dean Tupper Grimsely & Dean, P.A. PO BOX 2055 Beaufort, SC 29901-2055 <i>Attorney for Respondents LA New Enterprises, LLC and Raul Martinez Masonry, LLC</i></p>	<p>Edward and Sylvia Dengg 238 Maywood Drive Moncks Corner, SC 29461 <i>Pro Se Respondents</i></p>
<p>David Cooper Cleveland Trey Matthew Nicolette Clawson & Staubes, LLC 126 Seven Farms Dr. Charleston, SC 29492 <i>Attorneys for Respondent Myers Landscaping, Inc.</i></p>	<p>David Shuler Black Howell Gibson & Hughes, P.A. PO Box 40 Beaufort, SC 29901-0040 <i>Attorney for Respondent TJB Trucking/Leasing, LLC</i></p>

<p>Ronald G. Tate, Jr. R. Batten Farrar Gallivan, White & Boyd, P.A. PO Box 10589 Greenville, SC 29603 <i>Attorneys for Respondent Volkmar Consulting Services, LLC</i></p>	<p>R. Patrick Flynn Michael Allen Pope Flynn, LLC PO Box 70 Charleston, SC 29402 <i>Attorneys for Respondent Super Concrete of SC, Inc.</i></p>
<p>Thomas F. Dougall William A. Collins, Jr. Michael Kalwajtys Dougall & Collins 1700 Woodcreek Farms Road, Suite 100 Elgin, South Carolina 29045 <i>Attorney for Respondent Ozzy Construction, LLC</i></p>	<p>Anthony and Stacey Ray 107 Loch Circle Hampton, VA 23669 <i>Pro Se Respondents</i></p>
<p>Bachman S. Smith, IV Haynsworth Sinkler Boyd, P.A. 134 Meeting Street, Third Floor Charleston, SC 29401 <i>Attorney for Respondent Southern Green, Inc.</i></p>	<p>Shanna Milceteck Stephens Katherine C. Miars Anderson Reynolds & Stephens, LLC PO Box 87 Charleston, SC 29402 <i>Attorney for Respondent A.C.&A Concrete, Inc.</i></p>



Jena Lingle
Hayes Law Firm, LLC
180 Meeting Street, Suite 330
Charleston, SC 29401
Phone: 843-805-7003
Fax: 843-573-7388
jlingle@hayeslaw.org

August 27, 2019
Charleston, South Carolina

HAYES LAW FIRM, LLC

180 Meeting Street – Suite 330
Charleston, South Carolina 29401.

Tel: (843) 805-7003

Fax: (843) 573-7388

John C. Hayes, IV
Email: jhayes@hayeslaw.org

Nina E. Meola
Email: nmeola@hayeslaw.org

August 27, 2019

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

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

RECEIVED
AUG 28 2019
SC Court of Appeals

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 the following:

1. One (1) original and six (6) copies of *Appellant Lennar Carolina, LLC's and Respondent Homeowners' Joint Motion for Continuance of Oral Argument.*
2. *Proof of Service*
3. A check for the requisite Fifty Dollar (\$50) filing fee.

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,

John C. Hayes, IV, Esquire (SC Bar # 69740)
ATTORNEY FOR RESPONDENTS PATRICIA DAMICO, JOSHUA AND BRETTANY BEUTOW, BRYAN AND CYNTHIA CAMARA, MATTHEW COLLINS, JONATHAN AND TERESA DOUGLASS, CZARRA AND CHAD ENGLAND, LENNA LUCAS, AND DANNY AND ELLEN DAVIS MORROW

Cc: All Counsel of Record (Via US Mail Only)

