

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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

RECEIVED
SEP 16 2019
S.C. SUPREME COURT

Ex Parte:

Builders Mutual Insurance Company,
Nationwide Mutual Fire Insurance Company,
Nationwide Mutual Insurance Company,
Nautilus Insurance Company, and
FCCI Insurance Company,

Appellants,

In Re:

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

Plaintiffs,

v.

Island Pointe, LLC; Leonard T. Brown; Complete Building
Corporation; TriCounty 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.; WC Services, Inc.; CRG
Engineering, Inc.; Certainteed Corporation; Kelly Flooring
Products, Inc. d/b/a Carpet Baggers and John Doe 1-60,

Defendants,

Tri-County Roofing, Inc.,

Third-Party Plaintiff,

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 Love,
Individually, and on behalf of all others similarly situated,
Tri-County Roofing, Inc., Stanley's Vinyl Fence Designs,
and WC Services, Inc. are the

Respondents.

**PLAINTIFFS-RESPONDENTS' MOTION FOR EXTENSION
OF TIME TO FILE RETURN**

COMES NOW Plaintiffs-Respondents Palmetto Pointe at Peas Island Condominium Property Owners Association, Inc., and Jack Love, Individually, and on behalf of all others similarly situated, pursuant to Rule 240 of the *South Carolina Appellate Court Rules*, and respectfully requests this Court grant them a twenty-day (20) extension of time in which to file Plaintiffs-Respondents' Return to Hartford Fire Insurance Company, Hartford Casualty Insurance Company, and Hartford Underwriters Insurance Company's Motion for Leave to File Amicus Curiae Brief ("Return") in this appellate matter. The basis for this motion is that

Plaintiffs-Respondents' appellate counsel has other case deadlines next week before the Supreme Court, therefore additional time is needed to complete the Return.

Based upon the current briefing schedule, Plaintiffs-Respondents' Return is currently due on or before Monday, September 16, 2019. Consequently, anticipating a favorable reception and subsequent grant of this extension motion, Plaintiffs-Respondents' Return would then be due on or before Monday, October 7, 2019. Absent extreme exigent circumstances, no additional extensions are anticipated.

Finally, Plaintiffs-Respondents respectfully request this Court hold the briefing time in abeyance until such time as this motion may be considered and ruled upon.

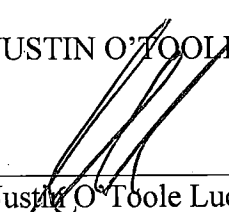
Respectfully submitted,

JUSTIN O'TOOLE LUCEY, P.A.

RECEIVED

SEP 16 2019

S.C. SUPREME COURT


Justin O'Toole Lucey, Esq. (SC Bar No.: 15438)
Joshua F. Evans, Esq. (SC Bar No.: 77448)
Stephanie Drawdy, Esq. (SC Bar No.: 70205)
415 Mill Street
Mt. Pleasant, South Carolina 29464
843-849-8400
Fax: 843-849-8406
jlucey@lucey-law.com
jevans@lucey-law.com
sdrawdy@lucey-law.com

-and-

Edward D. Buckley, Jr., Esq.
YOUNG CLEMENT RIVERS, LLP
P.O. Box 993
Charleston, SC 29402
(843) 724-5446
ebuckley@ycrlaw.com

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

Mount Pleasant, South Carolina

Dated: Sept. 12, 2019

RECEIVED

SEP 16 2019

S.C. SUPREME COURT

**THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT**

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,
Nautilus Insurance Company, and
FCCI Insurance Company,

Appellants,

In Re:

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

Plaintiffs,

v.

Island Pointe, LLC; Leonard T. Brown; Complete Building
Corporation; TriCounty 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.; WC Services, Inc.; CRG
Engineering, Inc.; Certainteed Corporation; Kelly Flooring
Products, Inc. d/b/a Carpet Baggers and John Doe 1-60,

Defendants,

Tri-County Roofing, Inc.,

Third-Party Plaintiff,

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 Love,
Individually, and on behalf of all others similarly situated,
Tri-County Roofing, Inc., Stanley's Vinyl Fence Designs,
and WC Services, Inc. are the

Respondents.

PROOF OF SERVICE

RECEIVED
SEP 16 2019
S.C. SUPREME COURT

I, Justin Lucey, of Justin O'Toole Lucey, P.A., counsel for Plaintiffs-Respondents, certify that **PLAINTIFFS-RESPONDENTS' MOTION FOR EXTENSION OF TIME TO FILE RETURN** was served on all other parties to this appeal on September 12, 2019 a copy thereof deposited in the U.S. Mail properly posted for delivery to the following addressees:

John Lucius McCants, Esquire
ROGERS LEWIS JACKSON
MANN & QUINN, LLC
P.O. Box 11803
Columbia, SC 29211

*Attorneys for Appellant
Builders Mutual Insurance Company*

J.R. Murphy, Esquire
Timothy J. Newton, Esquire
MURPHY GRANTLAND, P.A.
P.O. Box 6648
Columbia, SC 29260

*Attorneys for Appellants
Nationwide Mutual Insurance Company and
Nationwide Mutual Fire
Insurance Company*

Christy E. Mahon, Esquire
SWEENEY WINGATE & BARROW P.A.
1515 Lady Street
Columbia, SC 29201

*Attorneys for Hartford
Fire Insurance Company, Hartford Casualty
Insurance Company, and Hartford Underwriters
Insurance Company*

Steven M. Klepper, Esq.
KRAMON & GRAHAM
One South Street, Suite 2600
Baltimore, MD 21202-3201

*Attorneys for Hartford
Fire Insurance Company, Hartford Casualty
Insurance Company, and Hartford Underwriters
Insurance Company*

Steven L. Smith, Esquire
Zachary J. Closser, Esquire
Samuel M. Wheeler, Esquire
SMITH CLOSSER, P.A.
P.O. Box 40578
Charleston, SC 29423

*Attorneys for Respondent
Tri-County Roofing, Inc.*

G. Troy Thames, Esquire
WILSON, JONES, CARTER & BAXLEY, PA
421 Wando Park Blvd., Ste. 100
Mt Pleasant, SC 29464

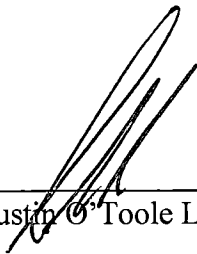
*Attorneys for Respondent
Stanley's Vinyl Fence Designs*

James A. Atkins, Esquire
CLAWSON AND STAUBES, LLC
126 Seven Farms Dr., Ste. 200
Charleston, SC 29492

*Attorneys for Respondents
WC Services, Inc.*

September 12, 2019
Mount Pleasant, SC

By:


Justin C. Toole Lucey, Esq.

RECEIVED

SEP 16 2019

S.C. SUPREME COURT

JUSTIN O'TOOLE LUCEY, PA

Attorneys at Law

Justin Lucey
Joshua F. Evans
Stephanie D. Drawdy
Dabny Lynn
James L. Floyd, III

415 Mill Street, Mount Pleasant, SC 29464
Reply to: P.O. Box 806, Mount Pleasant, SC 29465
Phone: 843.849.8400 · Fax: 843.849.8406 · www.lucey-law.com

Anna S. McCann
Lauren M. Milton
Sohayla R. Townes
Collin H. Fuller

September 12, 2019

VIA OVERNIGHT MAIL

The Honorable Daniel E. Shearouse
Clerk of Court
Supreme Court of South Carolina
1231 Gervais Street
Columbia, South Carolina 29201

RECEIVED

SEP 16 2019

S.C. SUPREME COURT

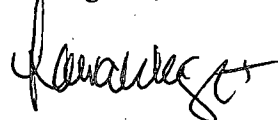
Re: *Ex Parte: Builders Mutual (In Re: Palmetto Pointe v. Island Pointe)*
Appeal from the Charleston County, Court of Common Pleas
Case Action No.: 2015-CP-10-00955
Appellate Case Tracking No.: 2019-000238

Dear Mr. Shearouse:

Enclosed please find the original and seven copies of ***Plaintiffs-Respondents' Motion for an Extension of Time to File Return*** and the ***Proof of Service*** in the above-referenced appellate matter. Also enclosed is a check in the amount of \$50.00 for filing this Motion.

I would greatly appreciate you filing ***Plaintiffs-Respondents' Motion for an Extension of Time to File Return*** and the ***Proof of Service*** with the Court and returning a date stamped copy of each to my attention in the enclosed self-addressed, stamped envelope. If you need anything else or I otherwise may be of any assistance to you or the Court regarding this matter, please feel free to contact me at your convenience.

Best regards,



Laura W. Knight