

**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

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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' AMENDED
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.

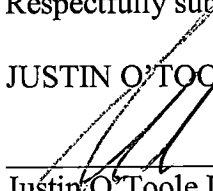
Based upon the current briefing schedule, Plaintiffs-Respondents' Return is currently due on or before Monday, September 16, 2019. Consequently, anticipating a favorable reception and subsequent grant of this extension motion, Plaintiffs-Respondents' Return would then be due on or before Monday, October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

Counsel for Amicus Curiae Hartford Fire Insurance Company, Hartford Casualty Insurance Company, and Hartford Underwriters Insurance Company consents to this Motion.

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.


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-and-

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S.C. SUPREME COURT

*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: September 13, 2019

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Appeal from Charleston County
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Jennifer B. McCoy, Circuit Court Judge

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Tallent and Sons, Inc.; WC Services, Inc.; CRG
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Defendants,

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And

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I, Justin Lucey, of Justin O'Toole Lucey, P.A., counsel for Plaintiffs-Respondents, certify that **PLAINTIFFS-RESPONDENTS' AMENDED MOTION FOR EXTENSION OF TIME TO FILE RETURN** was served on all other parties to this appeal on September 13, 2019 a copy thereof deposited in the U.S. Mail properly posted for delivery to the following addressees:

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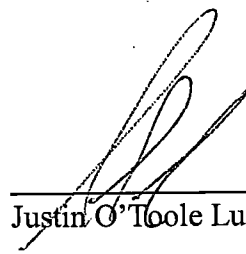
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September 13, 2019
Mount Pleasant, SC

By:


Justin O'Toole Lucey, Esq.

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Anna S. McCann
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September 13, 2019

VIA OVERNIGHT MAIL

Ashley Thompson, Case Manager
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Columbia, South Carolina 29201
Attn: Ashley Thompson

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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 Ms. Thompson:

Enclosed please find the original and seven copies of *Plaintiffs-Respondents' Amended Motion for an Extension of Time to File Return* and the *Proof of Service* in the above-referenced appellate matter. As we discussed, the check in the amount of \$50.00 received by the Court on September 13, 2019 will be used for filing this Motion.

I would greatly appreciate you filing *Plaintiffs-Respondents' Amended 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