

THE STATE OF SOUTH CAROLINA

In the Supreme Court of South Carolina

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SEP 16 2019

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

S.C. SUPREME COURT

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 Love, 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 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 behalf of all others similarly situated, Tri-County Roofing, Inc., Stanley’s Vinyl Fence Designs, and W C Services, Inc. are the Respondents.

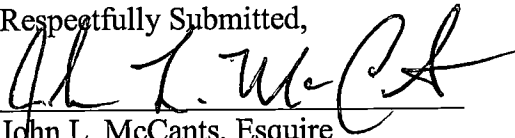
Motion on Behalf of Appellant Builders Mutual Insurance Company Pursuant to Rule 263(b), SCACR for an Extension of Time to Serve a Reply Brief to the Initial Brief of Respondent Tri-County Roofing, Inc.

Pursuant to Rule 263(b), SCACR, Appellant Builders Mutual Insurance Company (“Builders Mutual”) respectfully request that the Supreme Court extend the time for Builders Mutual to serve a reply brief to Respondent Tri-County Roofing, Inc.’s (“Tri-County Roofing”) initial brief to October 2, 2019 on the following bases.

Tri-County Roofing served its initial brief on September 10, 2019. As evident by the attached Proof of Service, Tri-County Roofing did not serve Builders Mutual with its initial brief. (Exhibit A). As of the filing of this motion, Builders Mutual has not been served with or received a copy of Tri-County Roofing’s initial brief in the U.S. Mail. Builders Mutual learned from viewing the South Carolina Judicial Department’s C-Track Public Access site on Friday, September 13, 2019 of the filing of Tri-County Roofing’s initial brief. The Clerk of Court filed Tri-County Roofing’s initial brief on September 13, 2019.

Builders Mutual submits that service of the initial brief was or is not effective. Accordingly, the time for filing a reply to the initial brief pursuant to Rule 208(a)(3), SCACR has not commenced. However, out of an abundance of caution, Builders Mutual moves pursuant to Rule 263(b), SCACR, for the Supreme Court to extend and set the deadline for Builders Mutual to serve a reply brief to Tri-County Roofing's initial brief as October 2, 2019.

Respectfully Submitted,



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September 16, 2019

Exhibit A

Lucas Sales d/b/a Miracle Siding, LLC; Mark Palpoint a/k/a Micah Palpoint; Elroy Alonzo Vasquez; and Chris d/b/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 behalf of all others similarly situated, Tri-County Roofing, Inc., Stanley's Vinyl Fence Designs, and W C Services, Inc. are the Respondents.

PROOF OF SERVICE

I certify that I have served the Initial Brief of Respondent Tri-County Roofing, Inc. by depositing a copy of it in the United State Mail, post prepaid, on September 10, 2019 addressed to their attorneys of record, listed on the attached.

Respectfully Submitted,

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Palmetto Pointe at Peas Island Condominium Property Owners Association, Inc., et al. v. Island Pointe, LLC, et al.
Circuit Court Case No.: 2015-CP-10-00955
Appellate Case No.: 2019-000238

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Palmetto Pointe at Peas Island Condominium Property Owners Association, Inc., et al. v. Island Pointe, LLC, et al.

Circuit Court Case No.: 2015-CP-10-00955

Appellate Case No.: 2019-000238

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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 behalf of all others similarly situated, Tri-County Roofing, Inc., Stanley’s Vinyl Fence Designs, and W C Services, Inc. are the Respondents.

APPELLANT BUILDERS MUTUAL INSURANCE COMPANY’S PROOF OF SERVICE OF MOTION ON BEHALF OF APPELLANT BUILDERS MUTUAL INSURANCE COMPANY PURSUANT TO RULE 263(B), SCACR FOR AN EXTENSION OF TIME TO SERVE A REPLY BRIEF TO THE INITIAL BRIEF OF RESPONDENT TRI-COUNTY ROOFING, INC.

I certify that I have served Appellant Builders Mutual Insurance Company’s Motion Pursuant to Rule 263(b), SCACR for an Extension of Time to Serve a Reply Brief to the Initial Brief of Respondent Tri-County Roofing, Inc., by depositing a copy of it in the United States Mail, postage prepaid, on **September 16, 2019** addressed to their attorneys of record, listed as follows:

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