

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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APPEAL FROM OCONEE COUNTY
Court of Common Pleas

Alexander S. Macaulay, Presiding Judge Seventh Judicial Circuit

S.C. SUPREME COURT

Appellate Case No. 2019-000038
Lower Court Case No. 2009-CP-37-00652

Stoneledge at Lake Keowee Owners' Association, Inc.; C. Dan Carson; Jeffrey J. Dauler; Joan W. Davenport; Michael Furnari; Donna Furnari; Jessie B. Grasso; Nancy E. Grasso; Robert P. Hayes; Lucy H. Hayes; Ty Hix; Jennifer D. Hix; Paul W. Hund, III; Ruth E. Isaac; Michael D. Plourde; Mary Lou Plourde; Carol C. Pope; Steven B. Taylor; Bette J. Taylor; and Robert White, Individually and on Behalf of all others similarly situated, Petitioners-Respondents,

v.

IMK Development Co., LLC; Keowee Townhouses, LLC; Ludwig Corporation, LLC; SDI Funding, LLC; Medallion at Keowee, LLC; Integrys Keowee Development, LLC; Marick Home Builders, LLC; Bostic Brothers Construction, Inc.; Miller/Player & Associates; Bradford D. Seckinger; John Ludwig; William Cox; Larry D. Lollis; Rick Thoennes; M Group Construction and Development, LLC; Mel Morris; Joe Bostic; Jeff Bostic; Clear View Construction, LLC; Michael Franz; MHC Contractors; Miguel Porras Choncoas; Builders First Source-Southeast Group; Mike Green; Southern Concrete Specialties; Carl Compton d/b/a Compton Enterprise a/k/a Compton Enterprises; Gunter Heating & Air; All Pro Heating; A/C & Refrigeration, LLC; Coleman Waterproofing; Heyward Electrical Services, Inc.; Tinsley Electrical, LLC; Hutch N Son Construction, Inc.; Upstate Utilities, Inc.; Southern Basements; Carl Catoe Construction, Inc.; T.G. Construction, LLC; Delfino Construction; Francisco Javier Zarate d/b/a Zarate Construction; Alejandro Avalos Cruz; Heriberto Acros Hernandez; Martin Hernandez-Aviles; Francisco Villalobos Lopez; Ambrosio Martinez-Ramirez; Ester Moran Mentado; Socorro Castillo Montel; MJG Construction and Homebuilders, Inc. d/b/a MJG Construction; KMAC of the Carolinas, Inc.; Eufacio Garcia; Everado Jarmamillio; Garcia Parra Insulation, Inc.; J&J Construction; Jose Nino; Jose Manuel Garcia; Eason Construction, Inc.; Vincent Morales d/b/a Morales Masonry and Miller/Player & Associates, Defendants,

Of Which Marick Home Builders, LLC and Rick Thoennes are the Respondents-Petitioners,

MOTION TO FILE OUT OF TIME

1. The Reply Brief of Respondents-Petitioners was due on November 4, 2019, and that day has passed. The Respondents-Petitioners have asked for and received one prior extension of time to file the brief.

2. Respondents-Petitioners file this Motion pursuant to Supreme Court Rule 240(e).

3. Respondents-Petitioners received Respondents' Brief on behalf of Petitioners-Respondents on October 28, 2019. Respondents-Petitioners calculated the 10-day deadline from October 28, 2019 instead of the Certificate of Service date of October 25, 2019. Respondents-Petitioners timely filed their Reply pursuant to the incorrect deadline of November 7, 2019.

4. Respondents-Petitioners have received written consent from counsel for Petitioners-Respondents to file the Reply out of time. See attached Exhibit A.

Because of this, Respondents-Petitioners ask for permission to file the Reply immediately.

Respectfully submitted,

Jason M. Imhoff (S.C. Bar #: 69355)
The Ward Law Firm, P.A.
P.O. Box 5663
Spartanburg, SC 29304
Telephone (864) 582-3075
Facsimile (864) 585-3090
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*Attorneys for Respondents-Petitioners Marick
Home Builders, LLC and Rick Thoennes*

November 14, 2019

Stephanie Echols

From: Robert Lyles <rtl@lylesfirm.com>
Sent: Wednesday, November 13, 2019 9:48 AM
To: Stephanie Echols
Subject: Re: Stoneledge v. IMK Development, et al.

No problem. You have my consent.

From: Stephanie Echols <ssimpson@WARDFIRM.COM>
Date: Wednesday, November 13, 2019 at 9:46 AM
To: Robert Lyles <rtl@lylesfirm.com>
Subject: Stoneledge v. IMK Development, et al.

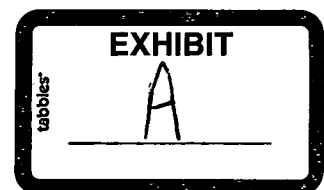
Mr. Lyles,

I just received a call from Debbie with the Clerk's office and she advised that I did not timely file our Reply. When we received your Respondent's Brief, I calendared 10 days for the due date from October 28th. Debbie advised that it should have been 10 days from the date of the COS, which was October 25th. This was my error, not that of Mr. Imhoff's, and falls solely on me. Debbie advised that I can file a Motion to File Out of Time along with **written consent** that you will allow it. I am respectfully requesting consent to the filing as it was my error. In the meantime, Debbie is holding our reply.

Thank you in advance for your consideration. Please contact me if you have any questions.

Stephanie S. Simpson
THE WARD LAW FIRM, P.A.
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Spartanburg, SC 29304
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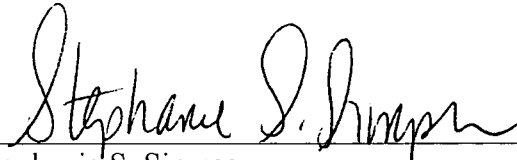
v.

IMK Development Co., LLC; Keowee Townhouses, LLC; Ludwig Corporation, LLC; SDI Funding, LLC; Medallion at Keowee, LLC; Integrys Keowee Development, LLC; Marick Home Builders, LLC; Bostic Brothers Construction, Inc.; Miller/Player & Associates; Bradford D. Seckinger; John Ludwig; William Cox; Larry D. Lollis; Rick Thoennes; M Group Construction and Development; LLC; Mel Morris; Joe Bostic; Jeff Bostic; Clear View Construction, LLC; Michael Franz; MHC Contractors; Miguel Porras Choncoas; Builders First Source-Southeast Group; Mike Green; Southern Concrete Specialties; Carl Compton d/b/a Compton Enterprise a/k/a Compton Enterprises; Gunter Heating & Air; All Pro Heating; A/C & Refrigeration, LLC; Coleman Waterproofing; Heyward Electrical Services, Inc.; Tinsley Electrical, LLC; Hutch N Son Construction, Inc.; Upstate Utilities, Inc.; Southern Basements; Carl Catoe Construction, Inc.; T.G. Construction, LLC; Delfino Construction; Francisco Javier Zarate d/b/a Zarate Construction; Alejandro Avalos Cruz; Herberto Acros Hernandez; Martin Hernandez-Aviles; Francisco Villalobos Lopez; Ambrosio Martinez-Ramirez; Ester Moran Mentado; Socorro Castillo Montel; MJG Construction and Homebuilders, Inc. d/b/a MJG Construction; KMAC of the Carolinas, Inc.; Eufacio Garcia; Everado Jarmamillio; Garcia Parra Insulation, Inc.; J&J Construction; Jose Nino; Jose Manuel Garcia; Eason Construction, Inc.; Vincent Morales d/b/a Morales Masonry and Miller/Player & Associates, Defendants,

Of Which Marick Home Builders, LLC and Rick Thoennes are the Respondents-Petitioners,

PROOF OF SERVICE

I certify that I have served the Motion to File Out of Time of Respondents-Petitioners Marick Home Builders, LLC and Rick Thoennes by depositing a copy of it in the United States Mail, First Class postage prepaid, on November 14th, 2019, addressed to Respondents' attorneys of record, Robert T. Lyles, Jr., Esquire, Lyles & Lyles, LLC, P.O. Box 773, Charleston, SC 29401.



Stephanie S. Simpson
Paralegal to Jason M. Imhoff

November 14th, 2019

PETITIONERS-RESPONDENTS' COUNSEL OF RECORD:

Robert T. Lyles, Jr., Esquire
Lyles & Lyles, LLC
P. O. Box 773
Charleston, SC 29401
843-577-7730
Attorneys for Petitioners-Respondents