

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

**RECEIVED**

JAN 14 2020

SC Court of Appeals

Appeal from Charleston County  
Court of Common Pleas

Jean Hoefer Toal, Circuit Court Judge

Case No. 2016-CP-10-01833  
Appellate Case No. 2017-001270

Andrew and Kimberly McIntire,

Appellants,

v.

Sequest Development Company, Inc.; Red Bay Constructors Corp.;  
Benzenberg Custom Cabinets, Inc.; Jonathan Marshall Construction;  
Coastal Window & Door Center of Charleston, LLC; Carolina Window &  
Millwork, LLC n/k/a Carolina Window & Millwork-Omni Glass Industries, LLC;  
Southcoast Exteriors, Inc.; Michael Casteen d/b/a Casteen Custom Cabinets;  
Quality Cedar Products, Inc. of Michigan d/b/a Michigan Prestain Co.;  
Coastal Plumbing & Gas, LLC; Foam Insulation Co. Inc.; Jerry Comer d/b/a  
Jerry's Tile & Marble, LLC; Lowcountry Fireplaces, Inc.;  
Carolina Pest Solutions, Inc.; New South Construction Supply, LLC,

Defendants,

Of whom Sequest Development Company, Inc., is the

Respondent.

**MOTION FOR EXTENSION OF TIME TO PETITION  
FOR REHEARING ON BEHALF OF RESPONDENT**

YOUNG CLEMENT RIVERS, LLP  
Stephen L. Brown (SC Bar No. 66468)  
Edward D. Buckley, Jr. (SC Bar No. 994)  
Jason A. Daigle (SC Bar No. 73308)  
Russell G. Hines (SC Bar No. 72100)  
Post Office Box 993  
Charleston, South Carolina 29402  
(843) 720-5488  
*Counsel for Respondent*

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS

COMES NOW Respondent, Sequest Development Company, Inc., by and through its undersigned counsel, pursuant to Rule 263(b), SCACR, and moves for an extension of fifteen (15) days' additional time to file/serve a petition for rehearing of this matter, which the Court decided via opinion filed December 31, 2019. *See McIntire v. Sequest Development Company, Inc., et al.*, Unpublished Op. No. 2019-UP-413.).

1. Rule 221(a), SCACR, provides, "Petitions for rehearing must be actually received by the appellate court no later than fifteen (15) days after the filing of the opinion, order, judgment, or decree of the court."

2. Based on the December 31, 2019, filing of the Court's opinion in this case, the present deadline to petition for rehearing is the close of business Wednesday, January 15, 2020, which, in accordance with Rule 263(a), SCACR (regarding computation of time), is the 15<sup>th</sup> day after the opinion's filing.

3. Because of work-related and other time commitments, the undersigned counsel for Respondent requests the Court's allowance of fifteen (15) days' additional time to petition for rehearing.

4. Respectfully, the undersigned submits there is good cause for the Court to grant the relief requested herein, as it is, under the circumstances, a

reasonable dispensation, timely sought, consistent with the interests of justice, posing no threat of undue prejudice to any other party.

WHEREFORE, Respondent requests that the Court grant it an extension of 15 days' time (running from January 15, 2020) to petition for rehearing. By the undersigned's calculations, the grant of this relief would make the new deadline to petition for rehearing Thursday, January 30, 2020. ADDITIONALLY, for the same reasons set forth in support of the within request for an extension of time, Respondent requests that the Court hold the present deadline for petitioning for rehearing in abeyance until the Court acts on this motion.

Respectfully submitted,  
YOUNG CLEMENT RIVERS, LLP

By:



Stephen L. Brown (SC Bar No. 66468)  
Edward D. Buckley, Jr. (SC Bar No. 994)  
Jason A. Daigle (SC Bar No. 73308)  
Russell G. Hines (SC Bar No. 72100)  
Post Office Box 993  
Charleston, South Carolina 29402  
(843) 720-5488

*Counsel for Respondent*

Charleston, South Carolina

Dated: 1/14/20

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Jerry's Tile & Marble, LLC; Lowcountry Fireplaces, Inc.;  
Carolina Pest Solutions, Inc.; New South Construction Supply, LLC,

Defendants,

Of whom Sequest Development Company, Inc., is the

Respondent.

**PROOF OF SERVICE**

YOUNG CLEMENT RIVERS, LLP  
Stephen L. Brown (SC Bar No. 66468)  
Edward D. Buckley, Jr. (SC Bar No. 994)  
Jason A. Daigle (SC Bar No. 73308)  
Russell G. Hines (SC Bar No. 72100)  
Post Office Box 993  
Charleston, South Carolina 29402  
(843) 720-5488  
*Counsel for Respondent*

I, Russell G. Hines, of Young Clement Rivers, LLP, counsel for Respondent, hereby certify that the **MOTION FOR EXTENSION OF TIME TO PETITION FOR REHEARING ON BEHALF OF RESPONDENT** was served on all other parties to this matter by depositing a copy of same in the U.S. Mail on January 14, 2020, properly posted for delivery to the following addressees:

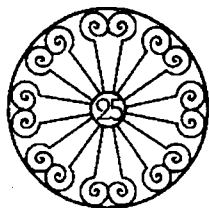
ANDREW K. EPTING, JR., LLC  
Andrew K. Epting, Jr., Esquire  
Jaan G. Rannik, Esquire  
46A State Street  
Charleston, South Carolina 29401  
*Counsel for Appellants*



Russell G. Hines

Charleston, South Carolina

Dated: 1/14/20



# YCR LAW

Kathleen B. Barnes  
Secretary

Direct Dial: (843) 720-5488  
Direct Fax: (843) 579-1369  
E-mail: kbarnes@ycrlaw.com

January 14, 2020

## RECEIVED

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SC Court of Appeals

**VIA FED EX OVERNIGHT, US MAIL AND FASCIMILE**

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

Re: Andrew and Kimberly McIntire v. SeaQuest Development Company, Inc., et al  
Appellate Case No. 2017-001270  
Case No.: 2016-CP-10-1833  
Date of Loss: 7/24/2008  
YCR File: 9795-20160374

Dear Ms. Kitchings:

Enclosed via Fed Ex please find the original and seven (7) copies of a Motion for Extension of Time to Petition for Rehearing on Behalf of Respondent, the original and one (1) copy of the Proof of Service of same and our firm's check in the amount of \$50.00 representing the filing fee. Please file the originals and return court-stamped copies to me in the enclosed envelope.

Please note that copies will follow via US Mail.

With best wishes and kindest regards, I am

Sincerely,

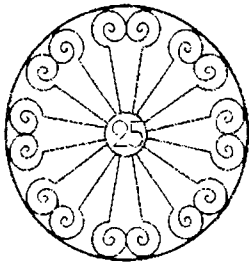
YCR LAW, LLP

Kathleen B. Barnes  
Secretary

Enclosures

(via US Mail and email)

cc: Jaan G. Rannik, Esq., Andrew K. Epting, Jr., LLC  
Andrew K. Epting, Jr., Esquire, Andrew K. Epting, Jr., LLC



# YCR LAW

Young Clement Rivers, LLP

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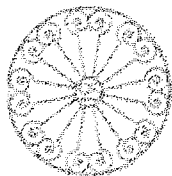
To: 18037341839  
From: kbarnes@ycrlaw.com  
Date: January 14, 11:29:21 AM EST  
Subj: McIntire v. Seaquest, et al; Case No.: 2017-001270  
Pages: 7

Good morning,

Attached please find correspondence in the above-referenced matter regarding our Motion for Extension to Petition for Rehearing. All necessary copies and the filing fee are being overnighted to your office via Fed-Ex and a copy will follow via US Mail. Please do not hesitate to let us know if you need anything further.

Katy B. Barnes  
Commercial Litigation Secretary to  
Stephen L. Brown, Russell G. Hines & Michael R. Loignon  
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