

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

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Aug 03 2020

Appeal from Charleston County
Court of Common Pleas

S.C. SUPREME COURT

Jean Hoefer Toal, Circuit Court Judge

Opinion No. 2019-UP-413 (S.C. Ct. App. filed December 31, 2019)

Andrew and Kimberly McIntire,

Respondents,

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 which Sequest Development Company, Inc., is the

Petitioner.

**MOTION FOR EXTENSION OF TIME TO FILE/SERVE
REPLY TO RETURN TO
PETITION FOR A WRIT OF CERTIORARI**

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Counsel for Petitioner

NOW COMES Petitioner, Seaquest Development Company, Inc. (“Seaquest”), by and through its undersigned counsel, on the grounds stated below, and, pursuant to Rule 263(b), SCACR, as well as the Court’s order of July 16, 2014, regarding Extensions in Cases Seeking a Petition for a Writ of Certiorari to Review a Decision of the South Carolina Court of Appeals, hereby moves for an extension of five (5) days’ additional time to file/serve a reply to Respondents’ return to its petition for a writ of certiorari in this matter.

1. The Court of Appeals denied rehearing by order filed March 27, 2020.

2. Pursuant to Rule 242(c), SCACR (providing that cert petitions must be filed/served within thirty (30) days after the petition for rehearing is finally decided by the Court of Appeals), and the Court’s order of March 30, 2020, regarding Operation of the Appellate Courts During the Coronavirus Emergency (extending the due dates for all appellate court filings due on or after March 20, 2020, by twenty (20) days), the original deadline to file/serve a petition for a writ of certiorari was Monday, May 18, 2020.

3. By order filed May 18, 2020, the Court extended the deadline to file/serve a petition for a writ of certiorari to May 28, 2020; by order filed May 28, 2020, the Court extended the deadline to file/serve a petition for a writ of certiorari to June 8, 2020; and on June 8, 2020, Seaquest filed/served its petition for a writ of certiorari.

4. Respondents timely served their return to Seaquest's petition on July 22, 2020.

5. Pursuant to Rule 242(g), SCACR (allowing the petitioner ten (10) days from the date of service of the return to file/serve a reply to the return), the deadline for Seaquest to serve/file a reply to Respondents' return is today, August 3, 2020.

6. For two (2) of the ten days allowed for preparation of Seaquest's reply (specifically, July 23-24), the undersigned was out of the office on a family vacation, and the normal work schedule this week is being disrupted by Tropical Storm Isaias, and the undersigned hopes that the Court will consider the circumstances sufficiently out of the ordinary so as to allow the extension requested herein, the grant of which, the undersigned submits, is consistent with the interests of justice and will work no undue prejudice on Respondents.

WHEREFORE, Seaquest respectfully requests that this Honorable Court allow it an additional five (5) days to file/serve its reply to Respondents' return to its petition for a writ of certiorari in this matter, i.e., to extend the deadline for such petition through Monday, August 10, 2020. See Rule 263(a), SCACR ("In computing any period of time prescribed or allowed by these Rules, by order of court, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a state or

federal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor such holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation.”) Additionally, Seaquest respectfully requests that the Court hold the present deadline in abeyance until it acts upon this motion.

Respectfully submitted,
YOUNG CLEMENT RIVERS, LLP

By:



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Dated: 8/3/20