

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
Jennifer B. McCoy, Circuit Court Judge

RECEIVED
Aug 10 2020
SC Court of Appeals

Civil Action No. 2015-CP-10-0955

Appellate Case No. 2019-001790

Palmetto Pointe At Peas Island Condominium Property Owners Association, Inc. And Jack Love, Individually, and on behalf of all others similarly situated,..... Plaintiffs,

vs.

Island Pointe, LLC; Complete Building Corporation; Tri-County Roofing, Inc.; Creekside, Inc.; American Residential Services, LLC d/b/a ARS/Rescue Rooter Charleston; Andersen Windows, Inc.; Atlantic Building Construction Services, Inc., n/k/a Atlantic Construction Services, Inc.; 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; Cornerstone Construction and Mark Malloy d/b/a Cornerstone Construction; Miracle Siding, LLC and Wilson Lucas Sales d/b/a Miracle Siding, LLC; Mark Palpoint a/k/a Micah Palpoint; Elroy Alonzo Vasquez; Chris a/k/a John Doe 61; Alderman Construction; Stanley's Vinyl Fence Designs; Cohen's Drywall Company, Inc.; Mosely Concrete; Hand A Framing Construction, LLC a/k/a H&A Framing Construction, LLC and d/b/a H and A Framing, LLC, H&A Construction, and Hand A Construction; JMC Construction, Inc.; JMC Construction, LLC; John Doe 1-15,.....Defendants,

Of which Palmetto Pointe At Peas Island Condominium Property Owners Association, Inc. and Jack Love, Individually, and on behalf of all others similarly situated are the Respondents,

and

Tri-County Roofing, Inc.Appellant.

**SECOND MOTION FOR EXTENSION OF TIME IN WHICH TO FILE AND SERVE
RESPONDENTS' INITIAL BRIEF AND DESIGNATION OF MATTER**

Pursuant to Rule 240 and 263(b), SCACR, Respondents Palmetto Pointe at Peas Island Condominium Property Owners Association, Inc. and Jack Love, Individually, and on behalf of all other similarly situated (hereinafter "Respondents"), by and through their undersigned counsel, hereby requests a fifteen (15) day extension of time to file and serve their Initial Brief and Designation of Matter under Rules 208 and 209, SCACR.

This is Respondents' second request for additional time. The Respondents previously requested a brief fifteen (15) day extension on July 22, 2020. The current deadline for Respondents' initial brief and designation of the matter is August 11, 2020. Respondents' fifteen (15) day extension request would place the new deadline on August 26, 2020.

Respondents' counsel seeks this extension because the lead briefing attorney fell ill with COVID-19. Respondents' counsel's office was forced to close for cleaning and the testing of all employees. Further, the impact of the necessary remote work was impacted by Tropical Storm Isaias. These events severely impacted the briefing of Respondents' Initial Brief and Designation of Matter.

Respondents respectfully request that the Court hold the deadline for filing and serving their Initial Brief and Designation of the Matter in abeyance until this request for additional time has been decided.

Respectfully Submitted,

/s/ Justin O'Toole Lucey
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Attorneys for Respondents

*Attorneys for the 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
August 10, 2020

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Of which Palmetto Pointe At Peas Island Condominium Property Owners Association, Inc. and Jack Love, Individually, and on behalf of all others similarly situated are the Respondents,

and

Tri-County Roofing, Inc.Appellant.

PROOF OF SERVICE

The undersigned hereby certifies that on this day, he served a true copy of the within and foregoing **Respondents' Second Motion for Extension of Time in which to File and Serve Initial Brief and Designation of Matter** upon all parties to this matter by via email and by depositing the same in the U.S. Mail, proper prepaid postage, and as follows:

Andrew Cole, Esq.
Collins & Lacy, P. C.
Post Office Box 12487
Columbia, SC 29211
acole@collinsandlacy.com
Attorney for Appellant
Tri-County Roofing, Inc.

August 10, 2020
Mount Pleasant, SC

/s/ Justin O'Toole Lucey
Justin O'Toole Lucey, Esq.

From: [Jennifer Zambriczki](mailto:Jennifer.Zambriczki@collinsandlacy.com)
To: "acole@collinsandlacy.com"; "rcampbell@collinsandlacy.com"; "tjefferson@collinsandlacy.com"
Cc: "[Justin Lucey](mailto:Justin.Lucey@collinsandlacy.com)"; "[Anna McCann](mailto:Anna.McCann@collinsandlacy.com)"; "[Sohayla Townes](mailto:Sohayla.Townes@collinsandlacy.com)"; "[Josh Evans](mailto:Josh.Evans@collinsandlacy.com)"; "ebuckley@ycrlaw.com"; "[DeMato, Amanda \(ADemato@ycrlaw.com\)](mailto:DeMato.Amanda@ycrlaw.com)"; "kmixson@ycrlaw.com"
Subject: RE: Palmetto Pointe, et al. vs. Tri-County Roofing, et. al. - 2nd Motion for Extension (2019-001790)
Date: Monday, August 10, 2020 8:41:00 AM
Attachments: [Palmetto Pointe, et al. v. Island Pointe, LLC, et al. - POS for Respondents" 2nd Motion to Extend \(Appellate Case No. 2019-001790\).pdf](#)
[Palmetto Pointe, et al. v. Island Pointe, LLC, et al. - Respondents" 2nd Motion to Extend \(Appellate Case No. 2019-001790\).pdf](#)

Mr. Cole,

Please find attached Respondents' Palmetto Pointe at Peas Island Condominium Property Owners Association, Inc. and Jack Love's Second Motion for Extension of Time to File Initial Brief and Designation of Matter.

This Motion will be filed today through the Court of Appeal's OneDrive Portal.

Thank you,

Jennifer C. Zambriczki
Remote Senior Paralegal
Justin O'Toole Lucey, PA
Cell: 843-813-7441

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