

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

Clifton B. Newman, Circuit Court Judge

Case No. 2014-CP-08-02424
Appellate Case No. 2020-000415

RECEIVED
Sep 30 2020
SC Court of Appeals

Builders FirstSource-Southeast Group, LLC.....Appellant,

v.

MI Windows and Doors, Inc.; ECC Contracting, LLC; Hurley Services, LLC; and
Charleston Exteriors, LLC.....Respondents.

**MOTION FOR EXTENSION OF TIME TO SERVE AND FILE INITIAL
REPLY BRIEFS OF APPELLANT**

The Appellant, Builders FirstSource – Southeast Group, LLC, respectfully moves this Court for an Order extending, by 30 days, the time in which to serve and file its Initial Reply Briefs and Designation of Matter to be included in the record on Appeal, in response to the Initial Briefs of the Respondents, ECC Contracting, LLC, and Charleston Exteriors, LLC.

The within Motion, made pursuant to the provisions of Rules 240(a) and 263(b) SCACR, is based upon the following considerations:

- (a) That the Initial Briefs of the Respondents were served and filed on September 21, 2020;
- (b) That the Reply Briefs of the Appellant, to the aforesaid Initial Briefs of the Respondents, are currently due no later than October 1, 2020, and the time for service and filing of the Appellants Reply Briefs has not expired;
- (c) That the Appellant's Counsel, Catherine Floeder, is currently on maternity leave, which the leave is not to expire until October 15, 2020;
- (d) That the Appellant's Counsel, William H. Cox, III, is currently on leave, preparing for the birth of his second child, who was due to arrive on September 25, 2020;
- (e) That the Initial Briefs of the Respondents, in addition to addressing the arguments asserted by the Appellant, also assert "alternative sustaining grounds." Submission of an appropriate response to those alternative sustaining grounds will require additional research and effort, for which the Appellant seeks an extension of time.

The Appellant would further show that counsel for the respective Respondents have consented to the requested extension.

It is respectfully submitted that the aforesaid considerations render appropriate the requested extension as sought by the Appellant.

HOWELL, GIBSON & HUGHES, P.A.

By: s/ William H. Cox, III
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Attorney for Appellant Builders
FirstSource Southeast Group, LLC
Bar No: 101991

Beaufort, South Carolina
September 30, 2020

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PROOF OF SERVICE

The undersigned counsel hereby certifies that he has served the foregoing Motion for Extension of Time upon all counsel of record by affixing same with proper postage and placing same with the United States Postal Service on 30 day of September, 2020 addressed to the following:

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Beaufort, South Carolina
September 30, 2020

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Via: Email Only
September 30, 2020

Jenny Abbott Kitchings
Clerk of Court
P.O. Box 11629
Columbia, SC 29211

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SC Court of Appeals

Re: Builders FirstSource Southeast Group, LLC v. ECC Contracting LLC,
MI Windows and Doors, Inc., Hurley Services, LLC, Charleston Exteriors
LLC
Civil Action No.: 2020-000415
Our File No.: 11742 1 SPH

Dear Ms. Kitchings:

I enclose herewith the original Motion of the Appellant, Builders FirstSource-Southeast Group, LLC, requesting an extension of time to serve and file the Appellant's Initial Briefs In Reply to the Initial Briefs of the Respondents. I would appreciate your cooperation in seeing that the Motion is appropriately filed, and submitted for consideration by the Court.

I have also enclosed herewith a certificate evidencing service of the Motion upon counsel for the Respondents.

Finally, pursuant to Section 1(1) of the Supreme Court's Order RE: Operation of the Appellate Courts during the Corona Virus Emergency (as amended May 29, 2020), no filing fee is being provided. Pursuant to Section (g)(3) of the Court's Order, all counsel of record are being served with this Motion by email only.

In the event, of course, that you require anything further to consider the within Motion, please advise me.

I appreciate your continuing consideration.

Yours truly,

HOWELL, GIBSON AND HUGHES, P.A.

s/William H. Cox, III

William H. Cox, III

WHC/tw

cc: Opposing Counsel