

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Bentley D. Price, Circuit Court Judge

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Case No. 2018-CP-10-01514  
Appellate Case Number: 2020-001215

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**RECEIVED**

**Dec 29 2020**

**SC Court of Appeals**

Scott B. Nash, Terrell Nash, Ronald Kevin Elliott, Cheryl Ann Elliott, Adam Smith, Patricia Smith, Richard M. Wcislak, Kanhaka Wcislak, Jessica L. Monsell, Anthony P. Lamantia, Janine Lamantia, Andrew Hedlund, Kelly Hedlund, Chloe Alsberry, Joey Alsberry, Benjamin H. Broadhead and Jerica N. Brodhead, Plaintiffs

v.

Lennar Carolinas, LLC, Quality Marble, Inc., Jenkins Plumbing Company, LLC, D&S Plumbing, Inc., John Doe 1, John Doe 2, John Doe 3, Unique Marble Design, LLC, and Builder Services Group, Inc., Defendants

of which Lennar Carolinas, LLC is the Appellant and Scott B. Nash, Terrell Nash, Ronald Kevin Elliott, Cheryl Ann Elliott, Adam Smith, Patricia Smith, Richard M. Wcislak, Kanhaka Wcislak, Jessica L. Monsell, Anthony P. Lamantia, Janine Lamantia, Andrew Hedlund, Kelly Hedlund, Benjamin H. Brodhead, and Jerica N. Brodhead are the Respondents.

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**APPELLANT LENNAR CAROLINAS, LLC'S THIRD MOTION  
FOR EXTENSION OF TIME TO FILE INITIAL BRIEF AND  
DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL**

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Appellant Lennar Carolinas, LLC ("Lennar") pursuant to 240(a), SCACR, and with the consent of Respondents, respectfully requests an extension of time of thirty (30) days within which to file the Initial Brief and Designation of Matter to be Included in the Record on Appeal.

This is Lennar's third motion requesting an extension of time to file the Initial Brief and Designation of Matter to be Included in the Record on Appeal.

Lennar and Respondents participated in a mediation on Friday, December 18, 2020. Lennar and Respondents believe that a resolution of this matter is achievable without further Court intervention. However, due to the upcoming holidays and the number of parties necessary to completely resolve this matter, a final resolution of this matter is not likely until after the current deadline for Lennar to file its Initial Brief and Designation of Matter to be included in the Record on Appeal, January 4, 2021. Neither Lennar, nor Respondents would like to incur the expense of filing appellate briefs, if the matter is capable of being resolved without further Court intervention. Therefore, Lennar contends that good cause exists for an extension of time to file the Initial Brief and Designation of Matter to be Included in the Record on Appeal.

Lennar has consulted with Respondents and Respondents have consented to Lennar's Motion for an Extension of Time.

WHEREFORE, Lennar respectfully requests an order granting an extension of thirty (30) days to file its Initial Brief and Designation of Matter to be Included in the Record on Appeal, up to and including Wednesday, February 3, 2021.

s/Katon E. Dawson Jr.  
James Lynn Werner, (SC Bar No. 6029)  
Taylor H. Stair (SC Bar No. 78430)  
Katon E. Dawson, Jr. (SC Bar No. 101167)  
Robert C. Osborne III (S.C. Bar No. 101827)  
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December 28, 2020  
Columbia, SC

*Attorneys for Appellant Lennar Carolinas, LLC*

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of which Lennar Carolinas, LLC is the Appellant and Scott B. Nash, Terrell Nash, Ronald Kevin Elliott, Cheryl Ann Elliott, Adam Smith, Patricia Smith, Richard M. Wcislak, Kanhaka Wcislak, Jessica L. Monsell, Anthony P. Lamantia, Janine Lamantia, Andrew Hedlund, Kelly Hedlund, Benjamin H. Brodhead, and Jerica N. Brodhead are the Respondents.

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**PROOF OF SERVICE**

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The undersigned hereby certifies that on December 28, 2020, copies of **Lennar's Third Motion for Extension of Time to File its Initial Brief and Designation of Matter to be included in the Record on Appeal** were served on Respondents' counsel of record via email containing the above referenced document to counsel's individual AIS email address pursuant to SC Supreme Court COVID Order 2020-05-29-02 as follows:

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*Attorney for Respondents*

s/Katon E. Dawson Jr.  
James Lynn Werner, (SC Bar No. 6029)  
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December 28, 2020  
Columbia, SC

*Attorneys for Appellant Lennar Carolinas, LLC*