

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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Apr 23 2021

APPEAL FROM CHARLESTON COUNTY
In the Court of Common Pleas

SC Court of Appeals

Roger M. Young, Sr., Circuit Court Judge

Case No. 2016-CP-10-03445
Appellate Case No.: 2020-001328

Six Fifty Six Owners Association, Inc. and Robert John Nutley, individually and on behalf of other similarly situated, Plaintiffs,

v.

Winsor South, LLC and Jeffrey M. Thomas, individually, and on behalf of a class of construction defendants; Southeastern Recapitalization Group, LLC; WCM Construction, LLC; Jonathan J. Thomas; AC Heating and Air Conditioning Service, Inc. ACME Doors, Inc.; Alpha Omega Construction Group, Inc.; Atlantic Construction Services, Inc.; Buck Lumber and Building Supply, Inc.; Builders FirstSource, Inc.; Builders FirstSource-Atlantic Group, LLC; Builders FirstSource-Florida a/k/a builders FirstSource-Florida Design Center, LLC; Builders FirstSource-Southeast Group, LLC; Charlotte Flooring, Inc.; Dirla Tawl Painting, Inc.; East Coast Wall Systems, Inc.; Fogel Services, Inc.; G&S Home Remodeling, LLC; Guaranteed Framing, LLC; J. Mora Brick & Block Mason, LLC; Land/Site Services, Inc.; Landmark Construction Company, Inc.; Lutzen Construction, Inc.; New Horizon Shutters, Inc. a/k/a New Horizon Shutters International, LLC; PJ Sanchez Masonry, LLC; Screens Plus, Inc.; Simons Construction Company, LLC; Stucco by Design, LLC; Fine Builders, LLC; Speedtruss, Inc.; AS Construction; Javier Morales Merino; Novac Construction, Inc.; MJG Construction, Inc.; Advance Plumbing, Heating, and Air, Inc.; Ashley Steel, Inc.; Cahill Contracting, LLC; Cohen's Drywall, Inc.; Bob Porter d/b/a Custom Interior Construction; RB's Trim, Inc., Sharon's Painting and Construction a/k/a Sharon's Painting, LLC; Davis Tile; Timothy Mitchell; Electrical Design & Construction; Hurley Services, LLC; Charleston Exteriors LLC; Jorge Diaz a/k/a Jorge Louis Paz; San Luis Construction, Inc. n/k/a Roofing America Metal Fabrications, LLC; Rogerio Dos Santos d/b/a Rogerio Santos Construction; Fabio Oliveira d/b/a Four Season Siding; Sunrise Siding; Garcia Roofing, LLC; Espino Roofing, LLC; Migual Painting, LLC, Horacio Jasso; Standard Precast Walls, LLC; Alfonso Rodriguez Vazquea a/k/a Alfonso Rodriguez, Sr.; and John Does 55-75, Defendants

Of which Builders FirstSource-Southeast Group, LLC is the Appellant and Hurley Services, LLC and Charleston Exteriors, LLC are the Respondents.

**RESPONDENT CHARLESTON EXTERIORS, LLC'S MOTION FOR AN EXTENSION
OF TIME TO FILE RESPONDENT'S INITIAL BRIEF AND DESIGNATION OF
MATTER**

Pursuant to Rule 240, SCACR, Respondent Charleston Exteriors, LLC ("Charleston Exteriors") hereby requests a thirty day extension of time to file Respondent's Initial Brief and Designation of Matter to be Included in the Record on Appeal.

Appellant Builders FirstSource-Southeast Group, LLC ("BFS") served its initial brief on April 1st, 2021; thereby, making the Respondents' initial briefing deadline May 1st 2021, according to Rule 208(a)(2), SCACR.

The Respondent has reached an agreement, in principal, to resolve the underlying action on appeal with Appellant. The resolution has yet to become finalized as of the date of Respondent's request, although Respondent remains confident that its required Initial Brief and Designation of Matter will become moot within a matter of days.

The undersigned respectfully requests that this Respondent's deadline for filing/serving its Initial Brief and corresponding Designation of Matter to be included in the record on appeal be extended by 30 days from May 1st, i.e., through May 31st, 2021. Respectfully, Respondent Charleston Exteriors, LLC, believes that this relief is consistent with the interests of justice and will not work any undue prejudice upon Appellant.

WHEREFORE, Respondent Charleston Exteriors, LLC respectfully requests that this Honorable Court grant it an additional extension of 30 days' time to file/serve its initial Respondent's Initial Brief and corresponding Designation of Matter to be Included in the Record on Appeal. With the extension requested herein, the new deadline for filing/serving this Respondent's Initial Brief and Designation of Matter would be June 1st, 2021, according to the

undersigned's calculations. Further, this Respondent respectfully requests that the Court hold his present deadline for briefing/designating matter in abeyance until it acts upon this motion.

Respectfully submitted.

GORDON & REES LLP

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Charleston, SC

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Of which Builders FirstSource-Southeast Group, LLC is the Appellant and Hurley Services, LLC and Charleston Exteriors, LLC are the Respondents.

PROOF OF SERVICE

I, C. Clay Olson, on behalf of Respondent, Charleston Exteriors, LLC, hereby certify that a copy of Respondent's *Motion for Extension of Time to File Respondent's Initial Brief and Designation of Matter* was sent to all counsel of record on April 23, 2021, via each counsel's designated AIS E-mail address.

Respectfully submitted.

GORDON & REES LLP

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