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Jul 08 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Roger M. Young, Sr., Circuit Court Judge

Case No. 2016-CP-10-03455
Appellate Case No. 2020-001328

Six Fifty Six Owners Association, Inc. and Robert John Nutley, individually, and on behalf of others 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 aka Jorge Louis Paz; San Luis Construction, Inc. nka Roofing America Metal Fabrications, LLC; Rogerio Dos Santos dba Rogerio Santos Construction; Fabio Oliviera dba Four Season Siding; Sunrise Siding; Garcia Roofing, LLC; Espino Roofing, LLC; Migual Painting, LLC,

Horacio Jasso; Standard Precast Walls, LLC; Alfonso Rodriguez Vazquez aka Alfonso Rodriguez, Sr.; and John Does 55-75, Defendants,

Of which Builders FirstSource-Southeast Group, LLC is the Appellant and Hurley Services, LLC is the Respondent.

**MOTION OF APPELLANT, BUILDERS FIRSTSOURCE SOUTHEAST GROUP, LLC,
FOR AN EXTENSION OF TIME TO FILE INITIAL REPLY BRIEF**

Appellant, Builders FirstSource Southeast Group, LLC, hereby moves for, and respectfully requests, a 30 day extension of the deadline for filing and serving its Initial Reply Brief in the above-captioned appeal. The current deadline is July 12, 2021.

Respondent, Hurley Services, LLC, has consented to this request.

Appellant served and filed its Initial Brief and Designation of Matter on April 1, 2021. By orders filed May 3, 2021, and June 17, 2021, respectively, this Court, with the consent of the Appellant, granted the Respondent's first and second requests for extensions of deadlines for the filing of its Initial Brief and Designation of Matter. The Respondent's Initial Brief and Designation of Matter was subsequently filed with the Court on July 1, 2021.

The requested extension is premised upon the workload of Appellant's counsel, time required to address other matters, and the need for additional time to prepare the Appellant's Reply Brief.

The Appellant has not made any previous requests for extensions in this matter, and the motion is made in good faith and not for purposes of delay.

Respectfully Submitted,

HOWELL, GIBSON & HUGHES, P.A.

By: 

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July 8, 2021

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individually, and on behalf of others similarly situated, Plaintiffs,

v.

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Construction; Hurley Services, LLC; Charleston Exteriors LLC; Jorge Diaz aka Jorge Louis Paz; San Luis Construction, Inc. nka Roofing America Metal Fabrications, LLC; Rogerio Dos Santos dba Rogerio Santos Construction; Fabio Oliviera dba Four Season Siding; Sunrise Siding; Garcia Roofing, LLC; Espino Roofing, LLC; Migual Painting, LLC, Horacio Jasso; Standard Precast Walls, LLC; Alfonso Rodriguez Vazquez aka Alfonso Rodriguez, Sr.; and John Does 55-75, Defendants,

Of which Builders FirstSource-Southeast Group, LLC is the Appellant and Hurley Services, LLC is the Respondent.

PROOF OF SERVICE

I certify that on July 8, 2021, I served the Motion of Appellant, Builders FirstSource Southeast Group, LLC, for an extension of time to file Initial Reply Brief, on the counsel listed below by complying with the Supreme Court's Order regarding operation of the appellate courts during Coronavirus emergency, issued March 20, 2020, which states:

During this emergency, this Court authorizes a lawyer admitted to practice law in this state to serve a document on another lawyer admitted to practice law in this state using the lawyer's primary e-mail address listed in the Attorney Information System (AIS)... For documents that are served by e-mail, a copy of the sent e-mail shall be enclosed with the proof of service, affidavit of service, or certificate of service for that document...

I have e-mailed each counsel of record at each lawyer's primary email address listed in the AIS, listed below:

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* Certified Mediator

Catherine L. Floeder (Of Counsel)

July 8, 2021

VIA EMAIL ONLY

Hon. Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: Builders FirstSource - Southeast Group, LLC v. Hurley Services, LLC
and Charleston Exteriors, LLC
Appellate Case No.: 2020-001328
Civil Action No.: 2016-CP-10-03455
Our File No.: 11925 1 SPH

Dear Ms. Kitchings:

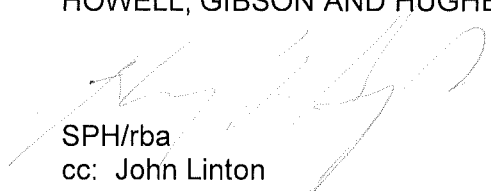
This letter is to request a 30 day extension of time to file the Reply Brief of the Appellant in the above referenced appeal. As noted in our Motion, no prior extensions have been requested by the Appellant during this appeal. If granted, by my calculation, the Appellant's brief would then be due on or before August 11, 2021.

Should you have any question or comment, please feel free to contact me.

Thank you for our continuing consideration.

Yours truly,

HOWELL, GIBSON AND HUGHES, P.A.


SPH/rba
cc: John Linton
Jennifer ivey

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