

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

**RECEIVED**

**Aug 09 2021**

APPEAL FROM BERKELEY COUNTY  
Court of Common Pleas

**S.C. SUPREME COURT**

J.C. Nicholson, Jr., Circuit Court Judge

Appellate Case No. 2020-001048

Patricia Damico and Lenna Lucas, Individually and on behalf of all others similarly situated, Joshua and Brettany Beutow, Edward and Sylvia Dengg, Jonathan and Theresa Douglass, Anthony and Stacey Ray, Danny and Ellen Davis Morrow, Czara and Chad England, Bryan and Cynthia Camara, and Matthew Collins, Respondents,

v.

Lennar Carolinas, LLC, Spring Grove Plantation Development, Inc., Manale Landscaping, LLC, Super Concrete of SC, Inc., Southern Green, Inc. TJB Trucking/Leasing, LLC, Paragon Site Constructors, Inc., Civil Site Environmental and Rick Bryant, Individually, Defendants,

Of which Spring Grove Plantation Development, Inc., Manale Landscaping, LLC, Super Concrete of SC, Inc., Southern Green, Inc. TJB Trucking/Leasing, LLC, and Civil Site Environmental are Respondents.

And

Lennar Carolinas, LLC, Appellant,

v.

The Earthworks Group, Inc., Volkmar Consulting Services, LLC, Geometries Consulting, LLC, Land/Site Services, Inc., Myers Landscaping, Inc., A.C.&A. Concrete, Inc., Knight's Concrete Products, Inc., Knight's Redi-Mix, Inc., Coastal Concrete Southeast, LLC, Coastal Concrete Southeast II, LLC, Guaranteed Framing, LLC, Ozzy Construction, LLC, Construction Applicators Charleston, LLC, LA New Enterprises, LLC, Decor Corporation, DVS, Inc., Raul Martinez Masonry, LLC, Alpha Omega Construction Group, Inc., South Carolina Exteriors, LLC, Builders Firstsource Southeast Group, LLC, and Low Country Renovations and Siding, LLP, Third-Party Defendants,

Of which Volkmar Consulting Services, LLC, Land/Site Services, Inc., Myers

Landscaping, Inc., A.C.&A. Concrete, Inc., Knight's Concrete Products, Inc., Knight's Redi-Mix, Inc., Coastal Concrete Southeast, LLC, Coastal Concrete Southeast II, LLC, Guaranteed Framing, LLC, Ozzy Construction, LLC, Construction Applicators Charleston, LLC, LA New Enterprises, LLC, Decor Corporation, DVS, Inc., Raul Martinez Masonry, LLC, Alpha Omega Construction Group, Inc., South Carolina Exteriors, LLC, Builders Firstsource Southeast Group, LLC, are also Respondents.

And

Decor Corporation, Fourth Party Plaintiff,

v.

Baranov Flooring, LLC, DJ Construction Services, LLC, Creative Wood Floors, LLC, Geraldo Cunha, Ebenezer Flooring, LLC, Emmanuel Flooring and Siding, LLC, Eusi Flooring and Covering, LLC, Nicolas Flores, Alexander Martinez, Isidini Mejia, Juan Perez, N&B Construction, LLC, Jose Dias Rodrigues, Livia Sousa, Jose Paz Castro Hernandez, Divinio Aparecido Corgosinho, Ricardo Chiche, CEBS Construction, Bayshore Siding and Flooring, Sebastio Luiz de Araujo, and John Does 1-4, Fourth Party Defendants,

Of whom Patricia Damico, Joshua and Brettany Beutow, Bryan and Cynthia Camara, Matthew Collins, Jonathan and Teresa Douglas, Czarra and Chad England, Lena Lucas, and Danny and Ellen Davis Morrow are the Petitioners.

---

PETITIONERS' MOTION FOR EXTENSION OF TIME

---

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, Petitioners Patricia Damico, Joshua and Brettany Beutow, Bryan and Cynthia Camara, Matthew Collins, Jonathan and Teresa Douglas, Czarra and Chad England, Lena Lucas, and Danny and Ellen Davis Morrow ("Petitioners"), respectfully request a ten (10) day extension of time to file their reply briefs to Respondent Lennar Carolina, LLC's return and to the joint return filed on behalf of Respondents Spring Grove Plantation Development, Inc., Manale Landscaping, LLC, Super Concrete of SC, Inc., Myers Landscaping, Inc., Knight's Concrete Products, Inc., Knight's Redi-Mix, Inc., Coastal Concrete Southeast, LLC, Coastal Concrete Southeast II,

LLC, Guaranteed Framing, LLC, LA New Enterprises, LLC, Décor Corporation, Raul Martinez Masonry, LLC, Alpha Omega Construction Group, Inc., and South Carolina Exteriors, LLC. Opposing counsel for Lennar Carolinas, LLC does not object to this request for extension. A copy of counsel's express written consent is attached hereto as Exhibit A. Counsel for the Joint Return also does not object to this request. A copy of counsel's express written consent is attached hereto as Exhibit B.

This request is necessitated due to the time required by Petitioners' counsel to review and respond to both returns. A ten (10) day extension of time will serve the interests of justice by allowing counsel adequate time to prepare through reply briefs in this matter. Petitioners do not request this extension for the impermissible purpose of delay.

Petitioners' Reply Briefs are currently due on Monday, August 16, 2021.<sup>1</sup> If this request is granted, Petitioners' new due date would be Thursday, August 26, 2021. Accordingly, Petitioners respectfully request that this Court enter an Order extending the deadline for filing their reply briefs until August 26, 2021. Petitioners further request that the current deadline be held in abeyance while the Court considers this request.

[Signature on following page]

---

<sup>1</sup> Although counsel for Respondents' joint return, filed their return on Friday, August 6, 2021, Petitioners' Appellate Counsel was not served until Monday, August 9, 2021. Please see email from counsel, Exhibit B, acknowledging the same and confirming August 16<sup>th</sup> as the current due date pursuant to Rule 240(f), SCACR.

Respectfully submitted,

THE LAW OFFICE OF JESSE SANCHEZ, LLC

s/ Jesse Sanchez  
98 ½ Broad Street, Suite B  
Charleston, SC 29401  
(843) 814-8181  
[jesse@jessesanchezlaw.com](mailto:jesse@jessesanchezlaw.com)

THE HAYES LAW FIRM, LLC

John C. Hayes, IV  
P.O. BOX 22497  
Charleston, SC 29413  
(843) 805-7003  
[jhayes@hayeslaw.org](mailto:jhayes@hayeslaw.org)

Attorneys for Petitioners  
Patricia Damico, Joshua and Brettany Beutow, Bryan  
and Cynthia Camara, Matthew Collins, Jonathan and  
Teresa Douglas, Czarra and Chad England, Lena  
Lucas, and Danny and Ellen Davis Morrow

August 9, 2021  
Charleston, South Carolina

# EXHIBIT A

**From:** Werner, James L. jimwerner@parkerpoe.com  
**Subject:** RE: Patricia Damico, et. al v. Lennar Carolinas, LLC, et. al - Lennar's Respondent's Brief  
**Date:** August 9, 2021 at 3:56 PM  
**To:** Jesse Sanchez jesse@jessesanchezlaw.com

---

No objection

**From:** Jesse Sanchez <jesse@jessesanchezlaw.com>  
**Sent:** Monday, August 9, 2021 3:14 PM  
**To:** Werner, James L. <jimwerner@parkerpoe.com>  
**Subject:** Re: Patricia Damico, et. al v. Lennar Carolinas, LLC, et. al - Lennar's Respondent's Brief

\*\*\*Caution: External email\*\*\*

---

Hi Jim,

Thanks for sending this over electronically. I just tried calling your direct line, but got your voicemail. Do you have any objection to my request for a ten day extension to file a reply brief? Per the Supreme Court's order, we currently have 10 out of 20 allotted days available.

Thank you,

Jesse

On Mon, Aug 9, 2021 at 1:59 PM Werner, James L. <jimwerner@parkerpoe.com> wrote:

***Patricia Damico, et. al. v. Lennar Carolinas, LLC, et. al***  
Case No. 2020-001048

Good Afternoon,

Attached for filing is Lennar Carolinas, LLC's Respondent's Brief, along with Proof of Service. Ten (10) bound copies of the attached Respondent's Brief are also being hand delivered to the Supreme Court's drop box today.

Tricia Andrews on behalf of Jim Werner

---

**James Werner**  
Partner



1221 Main Street | Suite 1100 | Columbia, SC 29201  
Office: 803.253.8913 | Fax: 803.255.8017 | [vcard](#) | [map](#)

Visit our website at  
[www.parkerpoe.com](http://www.parkerpoe.com)

**PRIVILEGED AND CONFIDENTIAL:** This electronic message and any attachments are confidential property of the sender. The information is intended only for the use of the person to whom it was addressed. Any other interception, copying, accessing, or disclosure of this message is prohibited. The sender takes no responsibility for any unauthorized reliance on this message. If you have received this message in error, please immediately notify the sender and purge the message you received. Do not forward this message without permission. [ppab\_p&c]

--

Jesse Sanchez  
The Law Office of Jesse Sanchez, LLC  
98 1/2 Broad Street, Suite B  
Charleston, SC 29401  
P: (843) 814-8181  
F: (843) 284-3953  
[jesse@jessesanchezlaw.com](mailto:jesse@jessesanchezlaw.com)

CONFIDENTIALITY NOTICE

This electronic mail transmission and any accompanying documents constitute information belonging to the sender and may be confidential and legally privileged. This information is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, any disclosure, copying, distribution, or action taken in reliance on the contents of the information contained in this transmission is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone at (843) 814-8181 and delete the message. Thank you.

---

**James Werner**  
Partner



1221 Main Street | Suite 1100 | Columbia, SC 29201  
Office: 803.253.8913 | Fax: 803.255.8017 | [vcard](#) | [map](#)

Visit our website at  
[www.parkerpoe.com](http://www.parkerpoe.com)

# EXHIBIT B

**From:** Tim J. Newton <tnewton@murphygrantland.com>  
**Subject:** RE: Appellate Case No.: 2020-001048: Patricia Damico and Lenna Lucas, et al. v. Coastal Concrete Southeast II, et al.  
**Date:** August 9, 2021 at 4:23 PM  
**To:** Jesse Sanchez <jesse@jessesanchezlaw.com>

---

Jesse,

I now have consent from all the respondents that filed the Joint Brief. On behalf of all of them, we consent to the extension as proposed.

Tim N.

---

**From:** Jesse Sanchez <jesse@jessesanchezlaw.com>  
**Sent:** Monday, August 9, 2021 3:06 PM  
**To:** Tim J. Newton <tnewton@murphygrantland.com>  
**Cc:** Justine Tinsley <jtinsley@murphygrantland.com>  
**Subject:** Re: Appellate Case No.: 2020-001048: Patricia Damico and Lenna Lucas, et al. v. Coastal Concrete Southeast II, et al.

Jim,

It was good to speak with you just now. I understand that your legal assistant ran into some technical difficulties serving the joint brief on Friday, and did not actually serve me the brief until this morning. Accordingly, would you kindly confirm by way of reply that today is the date of service, starting the clock on the reply. Also, would you kindly confirm that you have no objection to my request for a ten day extension to file our reply brief to your return. Currently, the brief is due on Monday, the 16th, so the new due date would be Thursday, August 26th.

Thank you,

Jesse

On Mon, Aug 9, 2021 at 8:30 AM Justine Tinsley <[jtinsley@murphygrantland.com](mailto:jtinsley@murphygrantland.com)> wrote:

Good morning all,

Please see the attached filing from Tim Newton in the above-referenced case.

Thank you,  
Justine M. Tinsley



**Murphy & Grantland, P.A.**

Justine Tinsley

Legal Assistant to Phillin Florence Ir and Timothy J Newton

Legal Assistant to Philip F. Roberts, III, and Timothy S. Newton

[jtinsley@murphygrantland.com](mailto:jtinsley@murphygrantland.com)  
Post Office Box 6648  
Columbia, South Carolina 29260  
803-782-4100 ext. 1244  
803-782-4140 fax  
[www.murphygrantland.com](http://www.murphygrantland.com)

*Please be advised that this e-mail and any files transmitted with it are confidential attorney-client communications or may otherwise be privileged or confidential and are intended solely for the individual or entity to whom they are addressed. If you are not the intended recipient, please do not read, copy or retransmit this communication but destroy it immediately. Any unauthorized dissemination, distribution or copying of this communication is strictly prohibited.*

--

Jesse Sanchez  
The Law Office of Jesse Sanchez, LLC  
98 1/2 Broad Street, Suite B  
Charleston, SC 29401  
P: (843) 814-8181  
F: (843) 284-3953  
[jesse@jessesanchezlaw.com](mailto:jesse@jessesanchezlaw.com)

#### CONFIDENTIALITY NOTICE

This electronic mail transmission and any accompanying documents constitute information belonging to the sender and may be confidential and legally privileged. This information is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, any disclosure, copying, distribution, or action taken in reliance on the contents of the information contained in this transmission is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone at (843) 814-8181 and delete the message. Thank you.