

THE STATE OF SOUTH CAROLINA
South Carolina Court of Appeals

RECEIVED

Nov 22 2021

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
Honorable Jennifer B. McCoy, Circuit Court Judge

2021-001050

The Retreat at Charleston National Country Club Home Owners Association, Inc., and The Retreat at Charleston National Country Club Horizontal Property Regime..... Plaintiffs,

v.

Winston Carlyle Charleston National, LLC; Colin R. Campbell Construction, Inc.; Colin Campbell, individually; Builders FirstSource-Southeast Group, LLC; Builders FirstSource, Inc.; Americo Roofing Concepts, Inc.; DVS, Inc.; Advanced Building Connection, LLC; Guy C. Lee Building Materials, LLC; WS Contractors, LLC; Dino Schwartz, Individually; Charleston Exteriors, LLC; ECC Contracting, LLC; Hurley Services, LLC; McDaniel Construction Co., LLC; AC Construction Corp.; AC Construction, Inc.; L&G Construction Group, LLC; Liollo Architecture; JC Contractors, LLC; Soto & Vasquez Construction, LLC; Costa De Oliveira Construction, LLC; Solesmar Jesus De Oliveria; Wilson Lucas Sales d/b/a Miracle Siding; Miracle Siding, LLC; Royal Homes of SC, Inc.; Collen Batissa; Christopher Batissa; Norma Ferreira Bruno; Mendez Construction, LLC; Juan Garza Ramos, individually; Juan Garza Ramos d/b/a Juan Constructors; Jessica Marroquin, individually; Jessica Marroquin d/b/a Marroquin Construction; Carlos Marroquin, individually; Carlos Marroquin Construction; Carlos and Jessica Marroquin d/b/a Marroquin Construction; Feliciano Cruz Silva; Garcia Roofing, LLC; Givair De Caris; and Mario Salgado..... Defendants,

Builders FirstSource-Southeast Group, LLC.....Third-Party Plaintiff, Appellant,

v.

Pohlman Quality Contractors; Pohlman Quality Exteriors; Palmetto Trim and Renovation; Edward Bruce Witham; and East Coast Carpentry.....Third-Party Defendants,

Of which Palmetto Trim and Renovation; Hurley Services, LLC; ECC Contracting, LLC; East Coast Carpentry; AC Construction, Inc.; WS Contractors, LLC;

Pohlman Quality Exteriors, Inc.; and L&G Construction Group, LLC are theRespondents.

MOTION FOR STATUS CONFERENCE AND TO STAY TIME TO FILE APPELLANT'S INITIAL BRIEF, OR, IN THE ALTERNATIVE, FOR AN EXTENSION OF TIME TO FILE APPELLANT'S INITIAL BRIEF

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Appellant Builders FirstSource – Southeast Group, LLC hereby moves this Court for (1) a status conference at which the Court may resolve the issue of consolidation which has thus far been addressed by the parties in letters to the Clerk of Court; and (2) for a stay on the time to file Appellant's Initial Brief, or, in the alternative, for a sixty-day extension to file Appellant's Initial Brief.

By letter dated October 7, 2021, the Court advised the parties to this action that it had consolidated the eight appeals filed by Appellant Builders FirstSource – Southeast Group, LLC (“BFS”) on September 22, 2021 in the matter of The Retreat at Charleston National Country Club Home Owners Association, Inc., et al. v. Winston Carlyle Charleston National, LLC, et al. (Civil Action No. 2016-CP-10-03783). (Letter attached hereto as Exhibit A). Appellant responded by letter dated October 25, 2021 that it objects to consolidation of the appeals for two reasons: first, Appellant does not believe consolidation to be proper under Appellate Rule 214, and second, the issues in the different appeals are so varied that it would be difficult to brief, argue, and decide them together. (Letter attached hereto as Exhibit B). For the convenience of the Court, Appellant then proposed that if the object of the Court was to avoid proceeding with eight separate appeals, the Court could instead proceed with one of the individual appeals, namely, BFS v. Hurley Services, LLC, and stay the remaining seven appeals. The rationale was that by first considering the BFS v. Hurley appeal, which was nominated because it originates from the most comprehensive order, the Court would be able to resolve the one or two issues

common to every appeal, and then could address the remaining issues in the stayed appeals on a case-by-case basis. On November 10, 2021, Respondent ECC Contracting, LLC sent a letter to the Clerk of Court opposing Appellant's position on consolidation. (Letter attached hereto as Exhibit C).

The consolidation at issue concerns the eight appeals filed in connection with this case, which are the result of eight *separate* orders issued by Judge Jennifer McCoy in the underlying case. In that case, eight subcontractors moved for summary judgment against BFS, and the subcontractors each argued its own motion before Judge McCoy. Judge McCoy issued eight separate Form 4 Orders granting, or granting in part, as the case may be, summary judgment to the subcontractors and requesting that *each* subcontractor submit its own proposed order. As a result, Judge McCoy received eight different proposed orders, each outlining different legal and factual grounds for an award of summary judgment. Judge McCoy then adopted each of the eight proposed orders. Thus, Appellant is appealing eight separate orders, each with distinct, although in some instances overlapping, legal issues involved.

As outlined in its letter, Appellant believes consolidation is improper here for two reasons. First, Appellant has concerns that Appellate Rule 214, which provides for consolidation in certain instances, does not address the situation before this Court. Specifically, Rule 214 provides that the Court may, in its discretion, consolidate multiple appeals from the same order (or multiple orders from different cases). It does not address the situation here, where multiple appeals are being taken from multiple *different* orders in the *same* case.

Respondent ECC Contracting, LLC attempts to downplay this inconsistency by pointing to Limehouse v. Hulsey, 404 S.C. 93, 744 S.E.2d 566 (2013). However, Limehouse is not instructive here because in it, the Court consolidated appeals from two different cases – a situation explicitly provided for by the text of Rule 214. It does not provide any guidance or authority for the situation before this Court, which concerns multiple orders from the *same* case – a situation which, again, is not provided for by the text of Rule 214.

The second reason that Appellant believes consolidation is improper is because the issues in the different appeals are so varied that it will be difficult to brief, argue, and decide them together. In its letter, Appellant identified the following challenges that would arise from trying to resolve all eight appeals together:

- The Court will be asked to decide whether the contracts between Appellant and its subcontractors violate Concord & Cumberland Horizontal Prop. Regime v. Concord & Cumberland, LLC, 424 S.C. 639, 819 S.E.2d 166 (Ct. App. 2018). Two different contracts are at issue. While five of the orders address one version of contractual language, three of the orders rely on a completely different version of the contract, with completely different operative contractual language.
- The Court will be asked to decide whether the two different contracts violate South Carolina Code Section 32-2-10; some of the orders address the statute in the context of attorneys' fees, and others do not.
- Some of the Orders hold that the contractual language is unconscionable and that the contract is one of adhesion and thus unenforceable; others do not.
- Some of the Orders hold that the issues involved in this appeal are barred by collateral estoppel; others do not.
- Some of the Orders address the contract's warranty language; others do not.

- Some of the Orders address the contract's language regarding settlements; others do not.
- One of the Orders rules on the issue of the statute of repose; the rest do not.
- One of the Orders holds that Appellant's equitable indemnity claim fails; the remaining orders preserve the equitable indemnity claim.
- One of the Orders rules on the issue of contractual severance; the rest do not.

To address all of these issues in one appeal will result in a tangled consolidation in which Appellant and the Court will be asked to address the inconsistent, and at times factually-specific, positions of Respondents all at once.

Additionally, consolidation will be procedurally overwhelming and will do little to promote judicial economy. Appellant will be charged with submitting one overarching and disjointed brief to address all eight different orders. As demonstrated by ECC's letter, addressed below, despite consolidation, Respondents desire to brief and argue (should oral arguments be scheduled) their positions *separately*, otherwise they will feel they have been prejudiced by being prevented from presenting their specific case. Thus, eight briefs of respondents will likely be filed, and Appellant then may be required to file eight separate reply briefs. Oral arguments, if scheduled, would likely include separate arguments from all eight respondents. Finally, the Court will be asked to dispose of all of the arguments from the eight different appeals at once – or however it sees fit. This is not a simple consolidation, and it does little to decrease the overall workload of the Court or the parties involved.

Respondent ECC Contracting, LLC does not deny that many varied and separate issues exist among the Respondents' positions. Rather, its main objection seems to be directed against Appellant's suggestion that, if the Court only wants to proceed with one appeal instead of eight, the Court could proceed with the most thorough order on appeal in this case and stay the others pending the dispositive issues in that appeal. ECC argues that it will be prejudiced by such a stay by not being allowed to defend its position. Specifically, ECC says all of the stayed Respondents would be prejudiced because they "would be prevented from presenting any distinct legal questions which weigh on the dispositive issues in their briefs and/or at oral arguments." The argument from Respondents that their positions are so distinct from each other that they could not be adequately represented by a single Respondent is only further evidence that consolidation is inappropriate.

To address ECC's concerns regarding this particular suggestion, however, first, from a practical standpoint, it is likely that the dispositive issues in this case will be decided by the appeals currently pending in Builders FirstSource - Southeast Group, LLC v. ECC Contracting LLC, MI Windows and Doors, Inc., Hurley Services, LLC, Charleston Exteriors LLC (Appellate Case No. 2020-000415); Six Fifty Six Owners Association, Inc., et al., v. Winsor South, LLC, et al. (Appellate Case No. 2020-001328); and Pavic v. Carolina Cottage Homes, LLC, et al. (Appellate Case No. 2021-000290) – all before ECC has the opportunity to defend its position in this case. Second, should the Court move

forward with only one order on appeal, counsel for Respondents could collaborate on the arguments for the issues on which they do agree.

Due to the extensive arguments above and the complicated and problematic nature of the consolidation, Appellant now moves for a status conference with the Court and all parties at which the Court can resolve the issue of consolidation and outline a plan for the parties to proceed forward with this case.

Appellant also moves for a stay on the time required to file its initial brief, or, in the alternative, for a sixty-day extension to file its initial brief. Appellant received the transcript of the hearing in this case on November 9, 2021, which would make its initial brief due on December 9, 2021. However, Appellant will not know whether to address its initial brief to the arguments made by one of the orders (and which one) or to all eight orders until the Court responds to Appellant's letter of October 25, 2021. Therefore, Appellant requests either a stay effective as of its initial letter to the Court, which will make Appellant's initial brief due thirty days from the Court's disposition of the matter of consolidation; or, in the alternative, Appellant requests an extension of sixty days from the current due date of its brief, which will make its initial brief due on February 7, 2022.

[signature page follows]

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Attorney for Builders FirstSource -

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Beaufort, South Carolina

November 22, 2021

Exhibit A



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

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Re: Builders FirstSource-Southeast Group, LLC v. Palmetto Trim and
Renovation
Appellate Case No. 2021-001050

Dear Counsel:

This Court has received multiple notices of appeal in this matter. These appeals will be consolidated for consideration by the Court under the South Carolina Appellate Court Rules (SCACR), and we anticipate receiving one record on appeal. The times for perfecting this appeal will run from the service of the last notice of appeal. The case has been assigned the appellate case number that

appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will *not* review filings for redaction or to determine if materials should be sealed.

This is to advise that the title in the above matter has been changed to read as follows:

The Retreat at Charleston National Country Club Home Owners Association, Inc., and The Retreat at Charleston National Country Club Horizontal Property Regime, Plaintiffs, v. Winston Carlyle Charleston National, LLC; Colin R. Campbell Construction, Inc.; Colin Campbell, individually; Builders FirstSource-Southeast Group, LLC; Builders FirstSource, Inc.; Americo Roofing Concepts, Inc.; DVS, Inc.; Advanced Building Connection, LLC; Guy C. Lee Building Materials, LLC; WS Contractors, LLC; Dino Schwartz, Individually; Charleston Exteriors, LLC; ECC Contracting, LLC; Hurley Services, LLC; McDaniel Construction Co., LLC; AC Construction Corp.; AC Construction, Inc.; L&G Construction Group, LLC; Liollo Architecture; JC Contractors, LLC; Soto & Vasquez Construction, LLC; Costa De Oliveira Construction, LLC; Solesmar Jesus De Oliveria; Wilson Lucas Sales d/b/a Miracle Siding; Miracle Siding, LLC; Royal Homes of SC, Inc.; Collen Batissa; Christopher Batissa; Norma Ferreira Bruno; Mendez Construction, LLC; Juan Garza Ramos, individually; Juan Garza Ramos d/b/a Juan Constructors; Jessica Marroquin, individually; Jessica Marroquin d/b/a Marroquin Construction; Carlos Marroquin, individually; Carlos Marroquin Construction; Carlos and Jessica Marroquin d/b/a Marroquin Construction; Feliciano Cruz Silva; Garcia Roofing, LLC; Givair De Caris; and Mario Salgado; Defendants,

Builders FirstSource-Southeast Group, LLC, Third-Party Plaintiff, Appellant,

v.

Pohlman Quality Contractors; Pohlman Quality Exteriors; Palmetto Trim and Renovation; Edward Bruce Witham; and East Coast Carpentry, Third-Party Defendants,

Of which Palmetto Trim and Renovation; Hurley Services, LLC; ECC Contracting, LLC; East Coast Carpentry; AC Construction, Inc.; WS Contractors, LLC; Pohlman Quality Exteriors, Inc.; and L&G Construction Group, LLC are the Respondents.

All future records in this matter should be changed to reflect this title. If you have any questions, please do not hesitate to contact this office.

Very truly yours,


CLERK

cc: James H. Elliott, Jr., Esquire
Payton Dwight Hoover, Esquire

Exhibit B

HOWELL, GIBSON AND HUGHES, P.A.
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Catherine L. Floeder (Of Counsel)

October 25, 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. ECC Contracting, Inc.
Appellate Case No.: 2021-001050
Our File No: 11981 2 SPH

Dear Ms. Kitchings:

We are in receipt of the Court's letter dated October 7, 2021, in which the Court advised that it has consolidated the eight appeals filed by Appellant Builders FirstSource – Southeast Group, LLC (“BFS”) on September 22, 2021 in the matter of The Retreat at Charleston National Country Club Home Owners Association, Inc., et al. v. Winston Carlyle Charleston National, LLC, et al. (Civil Action No. 2016-CP-10-03783). *Appellant objects to the consolidation of these appeals* and believes such consolidation to be improper under Appellate Rule 214; Appellant believes the Court may have misapprehended the nature of these separate appeals, which Appellant has further explained herein. For the reasons outlined below, Appellant proposes instead that the Court proceed with one of the individual appeals, namely, BFS v. Hurley Services, LLC, and stay the remaining seven appeals.

The eight appeals filed in connection with this case are the result of eight *separate* orders issued by Judge Jennifer McCoy in the underlying case. As will be further explained in the briefs, eight subcontractors moved for summary judgment against BFS. The subcontractors each argued their own motions before Judge McCoy. Judge McCoy issued eight separate Form 4 Orders granting, or granting in part, summary judgment to the subcontractors and

requesting that *each* subcontractor submit a proposed order. As a result, Judge McCoy received eight different proposed orders, each outlining different grounds for an award of summary judgment. Judge McCoy then adopted each of the eight proposed orders. Thus, Appellant is appealing eight separate orders, each with distinct legal issues involved.

Consolidation of these appeals would raise several obstacles. First, Appellate Rule 214 provides that the Court may, in its discretion, consolidate multiple appeals from the same order (or multiple orders from different cases). It does not address the situation here, where multiple appeals are being taken from multiple *different* orders in the *same* case.

Second, the issues in the different appeals are so varied that it would be difficult to brief, argue, and decide them together. Specifically, the following challenges, among others, would arise:

- The Court will be asked to decide whether the contracts between Appellant and its subcontractors violate Concord & Cumberland Horizontal Prop. Regime v. Concord & Cumberland, LLC, 424 S.C. 639, 819 S.E.2d 166 (Ct. App. 2018). Two different contracts are at issue. While five of the orders address one version of contractual language, three of the orders rely on a completely different version of the contract, with completely different operative contractual language.
- The Court will be asked to decide whether the contracts violate South Carolina Code Section 32-2-10; some of the orders address the statute in the context of attorneys' fees, and others do not.
- Some of the Orders hold that the contractual language is unconscionable and that the contract is one of adhesion and thus unenforceable; others do not.
- Some of the Orders hold that the issues involved in this appeal are barred by collateral estoppel; others do not.
- Some of the Orders address the contract's warranty language; others do not.
- Some of the Orders address the contract's language regarding settlements; others do not.
- One of the Orders rules on the issue of the statute of repose; the rest do not.
- One of the Orders holds that Appellant's equitable indemnity claim fails; the remaining orders preserve the equitable indemnity claim.

- One of the Orders rules on the issue of contractual severance; the rest do not.

Rather than attempt to navigate what will surely become a tangled consolidation, Appellant proposes that, for the sake of ease, clarity, and judicial economy, the Court stay seven of the appeals and address only the most comprehensive order, as this will resolve dispositive issues among many of the remaining orders on appeal. Once the dispositive issues have been addressed and ruled on, the Court can turn to any remaining peripheral claims in the seven stayed appeals. Appellant recommends the order granting partial summary judgment to Hurley Services, LLC as the most comprehensive order and the one that should move forward on appeal at this time.

Appellant would also like to take this opportunity to draw to the Court's attention several other appeals currently pending that deal with similar orders: Builders FirstSource - Southeast Group, LLC v. ECC Contracting LLC, MI Windows and Doors, Inc., Hurley Services, LLC, Charleston Exteriors LLC (Appellate Case No. 2020-000415); Six Fifty Six Owners Association, Inc., et al., v. Winsor South, LLC, et al. (Appellate Case No. 2020-001328); and Pavic v. Carolina Cottage Homes, LLC, et al. (Appellate Case No. 2021-000290). Should the Court be interested, Appellant recommends Pavic as the appellate case addressing the widest range of issues.

In the event that the Court would like additional information regarding the appeals in this Retreat case, Appellant would welcome the opportunity to participate in a status conference.

With kindest regards, I am

Yours truly,

HOWELL, GIBSON AND HUGHES, P.A.

s/Catherine L. Floeder

Catherine L. Floeder, Esq.

CLF/clf

cc: All Counsel of Record

Exhibit C



BEST HONEYCUTT, PA

ATTORNEYS AT LAW

November 10, 2021

RECEIVED

Nov 10 2021

SC Court of Appeals

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. Palmetto Trim and Renovation, et al.
Appellate Case No. 2021-001050

Dear Ms. Kitchings,

We are in receipt of Appellant Builders FirstSource-Southeast Group, LLC's ("BFS") October 25, 2021 letter to the Court in which it objects to the consolidation of several related appeals in this matter and proposes that the Court proceed with one of the appeals and stay the remaining seven. For the reasons set forth herein, Respondent ECC Contracting, LLC respectfully request that the Court reject BFS's recommendation.

At the outset, BFS contends that consolidation of the appeals may be problematic because Rule 214, SCACR, "does not address the situation here, where multiple appeals are being taken from multiple different orders in the same case." Any concern raised by BFS's interpretation of this Rule is unwarranted as the Court has discretion to consolidate individual appeals when each appeal shares identical dispositive issues. See, Limehouse v. Hulsey, 404 S.C. 93, 117, n. 2, 744 S.E.2d 566, 579, n. 2 (2013) (citing Rule 214, SCACR).

BFS attempts to overcome this hurdle by arguing "the issues in the appeals are so varied that it [will be] difficult to brief, argue, and decide the appeals together." However, this argument ignores that the Court is required to address each question raised on appeal in its opinion, so long as the question was necessary to the Court's decision. See, Rule 220(b), SCACR ("[E]very point distinctly stated in the case which is necessary to the decision of the appeal and fairly arising upon the record of the court must be stated in writing and must, with the reason for the court's decision, be preserved in the record of the case."). Thus, to the extent the appeals contain distinct legal issues, and such issues are raised on appeal, consolidation will not prohibit the parties from presenting such issues in their briefs or at oral arguments, nor will it prevent the Court from addressing such issues in its opinion.

As an alternative to consolidation, BFS requests the Court to proceed with only one of the individual appeals and stay the remaining seven until the single appeal is resolved. In addition

to not being properly presented to the Court (i.e., by not presenting this request via a motion or petition), the proposed stay is improper as it effectively denies Respondents of the stayed appeals their right to defend their position – i.e., they would be prevented from presenting any distinct legal questions which weigh on the dispositive issues in their briefs and/or at oral arguments, but may nevertheless be bound by the Court’s decision in the single appeal allowed to proceed. Not only is this approach highly prejudicial to the rights of the “stayed” Respondents, but it also impedes the resolution of the underlying matter by requiring the Court to review the stayed appeals individually and postponing such review until after the non-stayed appeal is resolved. Surely, such an approach, which would require expending resources to review briefs and attend oral arguments in each individual appeal, is not in the interest of judicial economy.

As an additional matter, BFS calls attention to several other pending appeals that involve one or more Respondents in the present case and proposes the Court take a similar approach to these “other appeals.” Importantly, the “other appeals” have not been consolidated by the Court and the “other appeals” are much further along in the appellate process than those involved in the case at issue – i.e., two are ready for consideration by the Court and one is awaiting submission of final briefs. As a Respondent in one of the “other appeals” (i.e., Builders FirstSource - Southeast Group, LLC v. ECC Contracting LLC, et al. (Appellate Case No. 2020-000415)), Respondent ECC Contracting, LLC objects to BFS’s suggestion that any of the “other appeals” be stayed. Such a stay would be extremely prejudicial to Respondents of the “other appeals” and would not be in interest of judicial economy.

Unlike the prejudicial approach proposed by BFS, consolidation of the eight appeals at issue is not only appropriate, but it is also the best way to ensure that the appeals are fairly and timely resolved. As such, Respondents respectfully request the Court reject BFS’s proposal and proceed with the consolidated appeals in the present matter as directed in the Court’s October 7, 2021 correspondence.

Should the Court require any additional information or discuss this matter further, Respondent ECC Contracting, LLC would welcome the opportunity to participate in a status conference.

Sincerely,

BEST HONEYCUTT, P.A.

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Nov 22 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
South Carolina Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
Honorable Jennifer B. McCoy, Circuit Court Judge

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v.

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Builders FirstSource-Southeast Group, LLC.....Third-Party Plaintiff, Appellant,

v.

Pohlman Quality Contractors; Pohlman Quality Exteriors; Palmetto Trim and Renovation; Edward Bruce Witham; and East Coast Carpentry.....Third-Party Defendants,

Of which Palmetto Trim and Renovation; Hurley Services, LLC; ECC Contracting, LLC; East Coast Carpentry; AC Construction, Inc.; WS Contractors, LLC;

Pohlman Quality Exteriors, Inc.; and L&G Construction Group, LLC are theRespondents.

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that he has served the foregoing “Motion for Status Conference and to Stay Time to File Appellant’s Initial Brief, or, in the Alternative, for an Extension of Time to File Appellant’s Initial Brief” upon all counsel of record by email on the _____ day of November, 2021 addressed to the following:

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November 22, 2021

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* Certified Mediator

Catherine L. Floeder (Of Counsel)

RECEIVED

Nov 22 2021

SC Court of Appeals

November 22, 2021
VIA EMAIL ONLY

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

Re: The Retreat at Charleston National Country Club Home Owners
Association, Inc., and The Retreat at Charleston National Country Club
Horizontal Property
Regime..... Plaintiffs,

v.

Winston Carlyle Charleston National, LLC; Colin R. Campbell Construction, Inc.;
Colin Campbell, individually; Builders FirstSource-Southeast Group, LLC;
Builders FirstSource, Inc.; Americo Roofing Concepts, Inc.; DVS, Inc.; Advanced
Building Connection, LLC; Guy C. Lee Building Materials, LLC; WS Contractors,
LLC; Dino Schwartz, Individually; Charleston Exteriors, LLC; ECC Contracting,
LLC; Hurley Services, LLC; McDaniel Construction Co., LLC; AC Construction
Corp.; AC Construction, Inc.; L&G Construction Group, LLC; Liollo Architecture;
JC Contractors, LLC; Soto & Vasquez Construction, LLC; Costa De Oliveira
Construction, LLC; Solesmar Jesus De Oliveria; Wilson Lucas Sales d/b/a
Miracle Siding; Miracle Siding, LLC; Royal Homes of SC, Inc.; Collen Batissa;
Christopher Batissa; Norma Ferreira Bruno; Mendez Construction, LLC; Juan
Garza Ramos, individually; Juan Garza Ramos d/b/a Juan Constructors; Jessica
Marroquin, individually; Jessica Marroquin d/b/a Marroquin Construction; Carlos
Marroquin, individually; Carlos Marroquin Construction; Carlos and Jessica
Marroquin d/b/a Marroquin Construction; Feliciano Cruz Silva; Garcia Roofing,
LLC; Givair De Caris; and Mario Salgado..... Defendants,

Builders FirstSource-Southeast Group, LLC..... Third-Party Plaintiff, Appellant,

v.

Pohlman Quality Contractors; Pohlman Quality Exteriors; Palmetto Trim and Renovation; Edward Bruce Witham; and East Coast Carpentry.....Third-Party Defendants,

Of which Palmetto Trim and Renovation; Hurley Services, LLC; ECC Contracting, LLC; East Coast Carpentry; AC Construction, Inc.; WS Contractors, LLC; Pohlman Quality Exteriors, Inc.; and L&G Construction Group, LLC are theRespondents.

Appellate Case No.:2021-001050

Dear Ms. Kitchings:

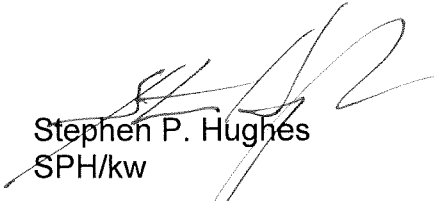
I have enclosed herewith, for filing on behalf of the Appellant, the following:

- (a) Motion For Status Conference And To Stay Time To File Appellant's Initial Brief, Or, In The Alternative, For An Extension Of Time To File Appellant's Initial Brief; and
- (b) Certificate of Service upon all appellant counsel of record.

With kindest regards, I am

Yours truly,

HOWELL, GIBSON AND HUGHES, P.A.



Stephen P. Hughes
SPH/kw

Enclosure(s)

cc: All Counsel of Record