

THE STATE OF SOUTH CAROLINA  
IN THE SUPRME COURT

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Mar 11 2022

S.C. SUPREME COURT

APPEAL FROM BERKELEY COUNTY  
COURT OF COMMON PLEAS  
THE HONORABLE J.C. NICHOLSON, JR.  
CIRCUIT COURT JUDGE

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APPELLATE CASE NO. 2020-001048  
CIVIL ACTION NO. 2014-CP-08-2424

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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,**

versus

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 the

**RESPONDENTS.**

And

Lennar Carolinas, LLC,

**APPELLANT,**

versus

The Earthworks Group, Inc., Volkmar Consulting Services, LLC, Geometrics 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, Décor 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, Décor Corporation, DVS, Inc., Raul Martinez Masonry, LLC, Alpha Omega Construction Group, Inc., South Carolina Exteriors, LLC, Builders Firstsource-Southeast Group, LLC are also the

**RESPONDENTS.**

And

Décor Corporation,

**FOURTH PARTY PLAINTIFF,**

versus

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, Isidru Mejia, Juan Perez, Ernesto M. Perez, N&B Construction, LLC, Jose Dias Rodrigues, Livia Sousa, Jose Betio Pereira, Jose Paz Castro Hernandez, Divinio Aperecido Corgosinho, Richardo 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.**

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**RETURN TO PETITIONERS' PETITION TO LIFT STAY AS TO DISCOVERY  
AND SUBCONTRACTOR CLAIMS ON BEHALF OF RESPONDENTS MANALE  
LANDSCAPING, LLC AND DÉCOR CORPORATION**

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Respondents Manale Landscaping, LLC (“Manale”), and Décor Corporation (“Décor”) oppose Petitioners’ Petition to Lift Stay as to Discovery and Subcontractor Claims (the “Petition”), dated February 28, 2022, and would show that it should be denied as to Manale and Décor.

Décor joins the Return submitted by Respondents Coastal Concrete Southeast, LLC, Coastal Concrete Southeast II, LLC, Knight’s Concrete Products, Inc., and Knight’s Redi-Mix, Inc. (hereinafter collectively “Coastal and Knight’s”) on March 8, 2022 and adopts the arguments in such Return fully as if set forth herein.

As with Coastal and Knight’s, Petitioners have not filed a direct claim against Décor. The Petition should be denied as to Décor because Petitioners have no pending claims against Décor; therefore, there is nothing for this Court to stay.

With respect to Manale, it joins in the Return submitted by Respondent Super Concrete of SC, Inc. (“Super Concrete”) on March 10, 2022 and adopts the arguments in such Return as if set forth fully herein. Even though Manale was directly sued by Petitioners, lifting of the stay as to discovery for it and the other direct defendants would only cause frustrations as to discovery because Petitioners and the direct defendants would still be prohibited from engaging in discovery with Lennar and subcontractors who were not directly sued by Petitioners thereby meaning discovery efforts would have to be duplicated at the conclusion of this appeal.

Therefore, Respondents Manale and Décor respectfully request that the Petition to Lift the Stay as to Discovery and Subcontractor Claims be denied.

Respectfully submitted,

/s Carmen V. Ganjehsani

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**ATTORNEYS FOR RESPONDENTS  
MANALE LANDSCAPING, LLC AND  
DÉCOR CORPORATION**

March 11, 2022.