

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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Mar 11 2022

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

S.C. SUPREME COURT

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

Civil Action No. 2014-CP-08-2424
Appellate Court Case No. 2020-001048

Patricia Damico and Lenna Lucas, Individually and on behalf of all others
similarly situated, Joshua and Brittany Buetow, 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, 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, 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

Décor 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, Isidru Mejia, Juan Perez, N&B Construction, LLC, Jose Dias Rodrigues, Livia Sousa, Jose Paz Castro Hernandez, Divinio Aperecido 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.

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RESPONDENT
Myers Landscaping, Inc.,
NOTICE OF JOINDER IN RESPONDENTS
Coastal Concrete Southeast, LLC, Coastal Concrete Southeast II, LLC, Knight’s Concrete Products, Inc., and Knight’s Redi-Mix, Inc.’s
RETURN TO PETITIONERS’
PETITION TO LIFT STAY AS TO DISCOVERY AND SUBCONTRACTOR CLAIMS
—————

The respondent Myers Landscaping, Inc., opposes Plaintiffs/Petitioners’ February 28, 2022 Petition to Lift Stay as to Discovery and Subcontractor Claims. Because as a third-party defendant against whom Plaintiffs/Petitioners’ have not asserted direct claims Myers Landscaping’s posture in this litigation vis-à-vis Plaintiffs/Petitioners is analogous to that of the respondents Coastal Concrete

Southeast, LLC, Coastal Concrete Southeast II, LLC, Knight's Concrete Products, Inc., and Knight's Redi-Mix, Inc. (Coastal and Knight), Myers Landscaping hereby joins in the Return submitted by Coastal and Knight on March 8, 2022, and adopts Coastal and Knight's arguments in opposition to the lift of the stay, as articulated in the Coastal and Knight's Return.

Respectfully submitted,

s/David C. Cleveland
David C. Cleveland, SC Bar No.
Clawson and Staubes, LLC
126 Seven Farms Drive, Suite 200
Charleston, SC 29492
843-577-2026
dcleveland@clawsonandstaubes.com
Attorney for the Respondent
Myers Landscaping, Inc.

March 11, 2022
Columbia, South Carolina

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CERTIFICATE OF SERVICE
Appellate Case No. 2020-001048

I certify that on March 11, 2022, I have served the respondent Myers Landscaping, Inc.'s Notice of Joinder in the Respondents Coastal Concrete Southeast, LLC, Coastal Concrete Southeast II, LLC, Knight's Concrete Products, Inc., and Knight's Redi-Mix, Inc.'s Return to the Petitioners' Petition to Lift Stay by electronic mail—in accordance with this Court's August 25, 2021 Order re: Methods of Electronic Filing and Service under Rule 262 of the South Carolina Appellate Court Rules, Appellate Case No. 2020-000447 at § (d)(1)—on all counsel of record, sent to their AIS-registered email addresses.