

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

**RECEIVED**

**Mar 14 2022**

**S.C. SUPREME COURT**

APPEAL FROM BERKELEY COUNTY  
Court of Common Pleas

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

Civil Action No.: 2014-CP-08-2424

Appellate Case No. 2020-001048

Patricia Damico and Lenna Lucas,  
Individually and on behalf of all others  
similarly situated, Joshua and Brettany  
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, 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 ..... 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, Ernesto M. 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.

**BUILDERS FIRSTSOURCE – SOUTHEAST, GROUP, LLC RETURN TO THE PETITIONERS’ PETITION TO LIFT STAY AS TO DISCOVERY AND SUBCONTRACTOR CLAIMS**

Respondent, Builders FirstSource – Southeast Group, LLC (“BFS”), opposes 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 BFS.

BFS 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 joins, and adopts the arguments in such Return as fully as if set forth herein.

As is with the case with Coastal and Knight, Petitioners have not filed a direct claim against BFS. Lennar, by its answer to the Plaintiff’s First Amended Complaint, Cross-Claims, and Third-Party Complaint, filed November 15, 2015,

identified BFS as an entity which provided work in connection with original construction of the subject property. Notwithstanding that identification, Petitioners have never either amended their complaint, or sought leave of the trial court to assert direct claims against BFS. The Petition should be denied as to BFS because Petitioners have no pending claims against BFS; therefore, there is nothing for this Court to stay.

Based upon the foregoing considerations, the Respondent, Builders FirstSource – Southeast Group, LLC respectfully requests that the Petition to Lift the Stay as to Discovery and Subcontractor Claims be denied.

Respectfully submitted,

HOWELL, GIBSON, & HUGHES, P.A.

By: **s/ Stephen P. Hughes**

Stephen P. Hughes,

SC Bar 2805

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Attorney for Builders FirstSource - Southeast Group, LLC

March 14, 2022  
Beaufort, South Carolina

**CERTIFICATE OF SERVICE**

Appellate Case No. 2020-001048

I certify that on March 11, 2022, I have served Builders FirstSource – Southeast Group, LLC's Return to the Petitioners' Petition to Lift Stay as to Discovery and Subcontractor Claims 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.

By: **s/ Stephen P. Hughes**

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