

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

Consolidated Case No.: 2017-CP-10-04639

HYLO Fitness, LLC and MEGAS
Corporation,

C/A: 2017-CP-10-04932

Plaintiffs,

v.

RC Building Company, Inc. and John Does 7-45 and Jane Does 1-50, Bone Dry Roofing Company, Coastal Carolina Framing & Siding, LLC, Clemons Welding Company, Inc., Louis Masonry & Stucco, LLC, Advance Plumbing Heating & Air, Inc., and Southern Iron Builders, LLC,

**JOINT NOTICE OF MOTION AND
MOTION FOR CONTINUANCE
AND DATE CERTAIN TRIAL**

Defendants.

RC Building Company, Inc.,

Third-Party Plaintiff,

v.

Clemons Welding Company, LLC,

Third-Party Defendants.

Sunray Flooring Company, LLC,

C/A: 2017-CP-10-04639

Plaintiff,

v.

RC Building Company, Inc., Megas Corporation, HYLO Fitness, LLC, Advance Plumbing Heating & Air, Inc., Green Acres Services, Inc. and Able Electrical Construction, Inc.

Defendants.

Green Acres Services, Inc.,

Plaintiff,

RC Building Company, Inc., MEGAS Corporation, HYLO Fitness, LLC, Advance Plumbing Heating & Air, Inc., Sunray Flooring Company, LLC and Able Electrical Construction, Inc.,

Defendants.

C/A: 2017-CP-10-04648

Charleston Glass Company, Inc.,

Plaintiff,

v.

RC Building Company, Inc., MEGAS Corporation, HYLO Fitness, LLC, Advance Plumbing Heating & Air, Inc., Green Acres Services, Inc., Sunray Flooring Company, LLC and Able Electrical Construction, Inc.

Defendants.

C/A: 2017-CP-10-05800

YOU WILL PLEASE TAKE NOTICE that the above-named Defendants, RC Building Company, Inc., Coastal Carolina Framing & Siding, LLC, Clemons Welding Company, Inc., Louis Masonry & Stucco, LLC, Advance Plumbing Heating and Air, and Southern Iron Builders, LLC, (hereinafter collectively “these Defendants”), by and through their undersigned attorneys, will move before the Court of Common Pleas, County of Charleston, at such time as the Court may appoint, for a continuance from the February 14, 2022, trial roster and for a specifically set trial date, and states as follows:

The matter of *HYLO Fitness LLC, et al. v. RC Building Company, Inc., et al.* (Case No. 2017-CP-10-04932) has been set for a jury trial during the February 14, 2022 term of court. Defendants received notice for the first time on February 2, 2022, of the setting of this matter for a jury trial on the February 14, 2022, trial roster in Charleston County. This is a construction defect case concerning

a commercial structure and involves numerous parties and witnesses on behalf of each party. In addition, there will be several forensic engineers and repair contractors serving as experts who are expected to testify. This trial on its own will take approximately one and a half to two weeks.

Additionally, the matters of (1) *Green Acres Services, Inc. v. RC Building Company et al.* (Case No. 2017-CP-10-4648), (2) *Charleston Glass Company, Inc. v. RC Building Company et al.* (Case No. 2017-CP-10-5800), and (3) *Sunray Flooring Company, LLC v. RC Building Company et al.* (Case No. 2017-CP-10-4639) (hereinafter referred to collectively as the “Lien Lawsuits”) have been consolidated for trial with the above-referenced *HYLO Fitness* case (Case No. 2017-CP-10-04932) by order of this Court pursuant to Rule 42(a), SCRCP. These three (3) Lien Lawsuits involve additional causes of action and issues related to the commercial structure which require additional testimony and evidence to be presented at trial. As all four (4) matters have been consolidated for a joint trial under Rule 42(a), SCRCP, a joint trial of these matters will take two weeks.

WHEREFORE, these Defendants respectfully request that the Court grant their Motion for Continuance and for Date Certain Trial. This Motion is made in good faith and not for the purpose of delay. These Defendants merely seeks the security of a firm trial date.

[Signature Page to Follow]

WE SO MOVE:

s/Megan C. White

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WE SO JOIN AND CONSENT:

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