

IN THE  
**Supreme Court of the United States**

LENNAR CAROLINAS, LLC,  
*Petitioner,*

v.

PATRICIA DAMICO, ET AL.,  
*Respondents.*

On Petition for a Writ of Certiorari to the  
South Carolina Supreme Court

**APPLICATION FOR EXTENSION OF TIME TO FILE  
A PETITION FOR A WRIT OF CERTIORARI**

To: The Honorable John G. Roberts, Chief Justice of the United States and  
Circuit Justice for the Fourth Circuit:

Pursuant to this Court's Rules 13.5 and 22, petitioner Lennar Carolinas, LLC ("Lennar"), requests an extension of seven (7) days to file a petition for a writ of certiorari in this case. As support for this application, Lennar states as follows:

1. The petition will seek review of the South Carolina Supreme Court's decision in *Damico v. Lennar Carolinas, LLC*, Opinion No. 28114 (Sept. 14, 2022) (attached hereto as Appendix A). The decision was issued on September 14, 2022, and a timely petition for rehearing was denied on November 17, 2022. Without an extension, the petition for a writ of certiorari would be due on February 15, 2023. With the requested extension, the petition would be due on February 22, 2023. This Court's jurisdiction will be invoked under 28 U.S.C.

§ 1254(1).

2. This case is a serious candidate for review. The South Carolina Supreme Court's decision reverses an intermediate appellate court decision applying the Federal Arbitration Act ("FAA") to enforce a contractual arbitration clause between Lennar and respondents and thereby compelling arbitration of respondents' contract-breach claims against Lennar. In reversing the decision and holding the arbitration agreement unenforceable under state law, the South Carolina Supreme Court's decision explicitly applies a legal presumption strongly disfavoring the enforcement of arbitration clauses in consumer homebuying contracts. The decision thus conflicts squarely with the many precedents of this Court holding that state law must treat contractual arbitration clauses on an equal footing with other contractual provisions.

3. There is good cause for the requested 7-day extension. The press of other business and the intervening holiday period has interfered with time needed to prepare the petition for certiorari. Counsel's preexisting work commitments have included oral arguments in the Ninth Circuit on December 9, 2022, and the Fourth Circuit on January 27, 2023, and upcoming arguments in the Tennessee Court of Appeals on February 8, 2023, and in the U.S. Bankruptcy Court for the District of Delaware on February 9-10, 2023. Counsel also has had multiple briefing deadlines during the same period, briefs filed in the U.S. District Court for the District of Delaware on December 7, 2022; in the U.S. Court of Appeals for the Ninth Circuit on January 6, 2023; in the U.S. Court of Appeals for the Eleventh Circuit on January 14, 2023, and in the

California Supreme Court on January 17, 2023, and January 27, 2023.

For the foregoing reasons, the application should be granted and the due date for the petition for a writ of certiorari should be extended to February 22, 2023.

Respectfully submitted,

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Dated: January 31, 2023

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**CORPORATE DISCLOSURE STATEMENT**

Petitioner is Lennar Carolinas, LLC. The following corporate disclosure statement is provided in accordance with S. Ct. R. 29.6. Petitioner is a non-governmental corporate party to this action. Petitioner is not a publicly held company. Petitioner's sole member is Lennar Homes, LLC, which is not publicly held. Lennar Homes, LLC's sole member is U.S. Home, LLC, which is not publicly held. U.S. Home, LLC's sole member is Lennar Corporation. Lennar Corporation is a publicly owned corporation.

Respectfully submitted,

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*Attorneys for Petitioner*

Dated: January 31, 2023