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June 9, 2023  
VIA EMAIL ONLY

Hon. Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

**RECEIVED**  
**Jun 09 2023**  
**SC Court of Appeals**

Re: Builders FirstSource - Southeast Group, LLC v. Hurley Services, LLC  
and Charleston Exteriors, LLC  
Appellate Case No.: 2020-001328  
Our File No.: 11925 1 SPH

Dear Ms. Kitchings:

This will respond to your letter of June 2<sup>nd</sup>, 2023, wherein you advised of potential arguments, to be conducted before the Court of Appeals, in September and October 2023.

Of the dates set forth within your letter, I have significant conflicts on the following:

- a) September 11<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, and 14<sup>th</sup>;
- b) October 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup>.

The entire month of September 2023 has been set aside for trial in the matter of Zitek vs DR Horton, a class action involving allegations of deficiencies and design, construction, and/or component materials of 221 residences in the Rose Hill community, in Anderson County, South Carolina.

During the period of October 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup>, I will be out of the country, per long standing plans.

In light of the foregoing, I would request the consideration of the Court in not scheduling oral argument on this matter during the month of September, or during the period of October 10<sup>th</sup>, 11<sup>th</sup>, or 12<sup>th</sup>, 2023.

In the event, of course, that you require any additional information, please feel free to contact me.

Thanking you for your continuing consideration,  
With kindest regards, I am

Yours truly,

HOWELL, GIBSON AND HUGHES, P.A.

*s/Stephen P. Hughes*

Stephen P. Hughes  
SPH/sc  
cc: All Counsel of Record