

RECEIVED

Sep 06 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

Hon. R. Scott Sprouse, Circuit Court Judge

CASE NO. 2019-CP-04-01942

Natalie Zitek, individually, and on behalf of others
similarly situated..... Plaintiff,

v.

D.R. Horton, Inc., Jane Doe #1-10; and John Doe #1-50,Defendants,

D.R. Horton, Inc., Third-Party Plaintiff,

vs

A&J Framing, Inc.;

A-Z, Inc.;

AJ Landscaping & Grading, LLC, A/K/A AJ Landscaping & Grading, LLC;

Allpro Textures, LLC;

Alpha E.M.C.;

Alpha Omega Construction Group, Inc.;

American Concrete And precast, Inc.; A/K/A ACP Concrete, Inc.;

Atlanta Floor Designs Center;

A Grade Above Others, LLC;

BFK Builders, Inc.;

BMC East LLC D/B/A Coleman Floor, LLC;

Brand-Vaughn Lumber Co, Inc.;

Bravo Carpenters, Inc.;

Builders Designhouse, LLC;

Builders FirstSource Southeast Group, LLC, A/K/A Builders FirstSource, Inc.;

Builders Services Group, LLC F/K/A Masco Contractor Services Central Inc. F/K/A Gale Industries, Inc. D/B/A Gale Contractor Services;

Cannaday Siding & Gutter, Inc.;

Caryl Mechanics II, Inc., A/K/A Caryl Mechanicals, Inc.;

CBU Enterprises, Inc.;

Cortes Painting, LLC;

CPI Security Systems, Inc.;

Dom Group, LLC;

Dupree Plumbing Company, Inc.;

Ferguson Enterprises, Inc.;

Five Star Construction Inc.;

Five Star Foundations, LLC;

Galloway-Bell, Inc. A/K/A Galloway-Bell Inc. II;

GBS Building Supply – Us LBM, LLC, F/K/A/GBS Building Supply, Inc.;

General Shale Brick Inc.;

Get Floored, LLC;

Greener Pastures, Inc., A/K/A Greener Pastures of Aiken, LLC;

Installed Building Products, LLC A/K/A Installed Building Products II, LLC;

IBP Asset, LLC D/B/A Blue Ridge Building Products;

JLS Masonry, Inc.;

Kings Landscaping, LLC;

L&M Electric, Inc.;

Lade-Danlar, Inc.;

Landshapers, LLC;

Lansing Building Products, Inc.;

Long Heating & Air Conditioning, Inc.;

M&L General Construction, LLC, A/K/A M&L General Construction, Inc.;

M&L Reyna Construction, LLC;

M&M Foundations, LLC;

Manale Landscaping, LLC;

MJ Cowboys, LLC;

Nazareth Builders, LLC;

NB Contractors, LLC;

Poinsett Development, LLC;

Poinsett Homes, LLC;

P&L Enterprises, LLC;

P&T Construction, Inc., A/K/A P&T Construction, Inc.;

Probuild Company, LLC A/K/A Probuild Holdings, Inc.;

Rite Rug Co.;

Rodney Howard Grading, Inc. A/K/A Rodney Howard Grading Co.;

Sandlapper Concrete, LLC;

Silver Line Building Products Corporation;

Sodfather Inc., Landscape Contractors;

Stock Building Supply, LLC;

Topbuild Home Services., Inc., A/K/A Gale Contractors Service;

Tucker Materials, Inc., A/K/A Gypsum;

UTM Enterprises, Inc;

and

Willow Tree Landscaping, Inc Third-Party Defendants

and

Aaron D. Peris;

Harrelson Painting, LLC;

Huttig Building Products; et al Fourth and Fifth-Party
Defendants and Plaintiffs

D.R. HORTON, INC.....Appellant

Natalie Zitek, individually, and on behalf of others
similarly situated;

Jane Doe #1-10; and John Doe #1-50;

A&J Framing, Inc.;

A-Z, Inc.;

AJ Landscaping & Grading, LLC, A/K/A AJ Landscaping & Grading, LLC;

Allpro Textures, LLC;

Alpha E.M.C.;

Alpha Omega Construction Group, Inc.;

American Concrete And precast, Inc.; A/K/A ACP Concrete, Inc.;

Atlanta Floor Designs Center;

A Grade Above Others, LLC;

BFK Builders, Inc.;

BMC East LLC D/B/A Coleman Floor, LLC;

Brand-Vaughn Lumber Co, Inc.;

Bravo Carpenters, Inc.;

Builders Designhouse, LLC;

Builders FirstSource Southeast Group, LLC, A/K/A Builders FirstSource, Inc.;

Builders Services Group, LLC F/K/A Masco Contractor Services Central Inc. F/K/A Gale Industries, Inc. D/B/A Gale Contractor Services;

Cannaday Siding & Gutter, Inc.;

Caryl Mechanics II, Inc., A/K/A Caryl Mechanicals, Inc.;

CBU Enterprises, Inc.;

Cortes Painting, LLC;

CPI Security Systems, Inc.;

Dom Group, LLC;

Dupree Plumbing Company, Inc.;

Ferguson Enterprises, Inc.;

Five Star Construction Inc.;

Five Star Foundations, LLC;

Galloway-Bell, Inc. A/K/A Galloway-Bell Inc. II;

GBS Building Supply – Us LBM, LLC, F/K/A/GBS Building Supply, Inc.;

General Shale Brick Inc.;

Get Floored, LLC;

Greener Pastures, Inc., A/K/A Greener Pastures of Aiken, LLC;

Installed Building Products, LLC A/K/A Installed Building Products II, LLC;

IBP Asset, LLC D/B/A Blue Ridge Building Products;

JLS Masonry, Inc.;

Kings Landscaping, LLC;

L&M Electric, Inc.;

Lade-Danlar, Inc.;

Landshapers, LLC;

Lansing Building Products, Inc.;

Long Heating & Air Conditioning, Inc.;

M&L General Construction, LLC, A/K/A M&L General Construction, Inc.;

M&L Reyna Construction, LLC;

M&M Foundations, LLC;

Manale Landscaping, LLC;

MJ Cowboys, LLC;

Nazareth Builders, LLC;

NB Contractors, LLC;

Poinsett Development, LLC;

Poinsett Homes, LLC;

P&L Enterprises, LLC;

P&T Construction, Inc., A/K/A P&T Construction, Inc.;

Probuild Company, LLC A/K/A Probuild Holdings, Inc.;

Rite Rug Co.;

Rodney Howard Grading, Inc. A/K/A Rodney Howard Grading Co.;

Sandlapper Concrete, LLC;

Silver Line Building Products Corporation;

Sodfather Inc., Landscape Contractors;

Stock Building Supply, LLC;

Topbuild Home Services., Inc., A/K/A Gale Contractors Service;

Tucker Materials, Inc., A/K/A Gypsum;

UTM Enterprises, Inc;

and

Willow Tree Landscaping, Inc;

Aaron D. Peris;

Harrelson Painting, LLC;

Huttig Building Products; and

Therma-Tru, Ltd;

Arcides Garcia;

Brandon Chaves;

C&H Wood Flooring, Inc.;

Dora Maria Pina;

Felix Tile;

Filadelfo Avila Carrillo;

Francisco Sanchez;

J&K Floor Corp;

JCT Flooring;

Jose Javier Marin;

Lemus Tile;

Leos Flooring, LLC;

Martin Garcia;

Nora Canales;

Othon Delgado Ramas;
Resendiz Flooring;
Richard Bumbalough;
Richard Gerardo Loredó Gomez;
Robert Gillespie;
Roberto Morales Ferretiz;
Roberto Tile, Inc
Scorpio Tile Glass Work; and
Urias Flooring, Co., LLC;

Zenon Gutierrez Antunez;
Jesus Perez;
Fredy Perez and Venustiano Perez, Individually and D/B/A Fredy's HVAC;
Nicholas Sota a/k/a Nicholas Soto, Individually and D/B/A Soto HVAC;
Jason Weaver, Individually and D/B/A Tiger Mechanical; and
Panuncio Victoriano Martinez, Individually and D/B/A Victoriano HVAC, LLC;

Brothers Contractors, Inc.;
Brothers Contractors, LLC;
Nataren Contractors, LLC;
Jimenez Contractors, LLC;
Jimenez Contractors, Inc.;
Henry Construction, LLC;
SL Commercial Construction, Inc.;
Rogelio Basilio-Vazquez;
Geovany Leiva;
Geovany Leiva D/B/A GSF Renovations, LLC;
GSF Renovations, LLC;
RJ Quality Construction, Inc.;
Rafael Bonzalez-Colazo, Individually and D/B/A RJ Commercial Construction, Inc.;
Santos Metal Works, LLC;
AHR Construction, Inc.;
Denny Concepcion;
RJ Commercial Construction, Inc.;
Safeway Roofing;
Torres Quality Construction;
JJS Commercial Construction, Inc.;
Jose Hernandez;
Bonilla Construction, Inc.; and
Jose P. Jimenez, Individually and D/B/A Bonilla Construction, Inc.;

Carlos Humberto Landaverry;
Ngan My Giang;
Landaverry Flooring, LLC;
Hector Flooring;
Scorpio Tile & Glassworks, Inc.;
Jose Javier Marin;
O&E Flooring;

Othon Ramos;
Saguay Flooring; and
Cruz Flooring;

AJ&I Flooring, LLC;
Antonio's Flooring, LLC;
Bryan's Flooring Services, LLC;
Enriquez Floors, LLC;
Garcia's Carpet, Inc.;
Hector Flooring, Inc.;
Carolina Hernandez D/B/A Josue's Flooring, LLC;
NM Alex Carpet, Inc.;
Promesa Flooring; and
Vinnys Perfection Flooring, LLC;

Jesus Jimenez; and
Jesus Robles Montez A/K/A Robles Construction ;

Toribio Islas; and
Alejandro Soto.....Respondents

NOTICE OF APPEAL

D.R. Horton, Inc. appeals the following Orders of the Honorable R. Scott Sprouse:

1. Form 4 Order granting Defendant Builder Services Group (f/k/a Masco Contractor Services Central Inc. f/k/a Gale Industries, Inc. d/b/a Gale Contractor Services, improperly named as TopBuild Home Services, Inc., a/k/a Gale Contractors Service) Motion for Summary Judgment dated and filed July 28, 2023 and the expanded Order granting the same motion titled Proposed Order Granting Builders Services Group, Inc. d/b/a Gale Contractor Services' Motion for Summary Judgment dated and filed August 7, 2023, as well as the Order denying D.R. Horton, Inc.'s Motion to Reconsider and/or Alter or Amend the Order Granting Third-Party Defendant Builders Services Group, Inc. d/b/a Gale Contractor Services' Motion for Summary Judgment as to D.R. Horton, Inc.'s Third-Party Complaint dated and filed August, 18, 2023. Counsel for the Appellant received written notice of entry of the Order denying reconsideration on August 18, 2023.
2. Form 4 Order granting Defendant IBP Assets, LLC d/b/a Blue Ridge Building Products Motion for Summary Judgment dated and filed July 26, 2023 and the expanded Order Granting Motion for Summary Judgment dated and filed August 23, 2023 granting the same relief, as well as the Order denying D.R. Horton, Inc.'s Motion to Reconsider and/or Alter or Amend the Order Granting Third-Party Defendant IBP Asset, LLC d/b/a Blue Ridge Building Products' Motion for Summary Judgment as to D.R. Horton, Inc.'s Third-Party Complaint dated and filed August, 18, 2023. Counsel for the Appellant received written notice of entry of the Order denying reconsideration on August 18, 2023. On August 31, 2023,

Appellant served and filed a Motion for Reconsideration of the Expanded Order Granting Motion for Summary Judgment filed August 23, 2023.

3. Order denying Defendant D.R. Horton, Inc.'s Motion to Decertify dated and filed July 19, 2023, as well as the Order denying Defendant D.R. Horton, Inc.'s Motion to Alter or Amend Order Denying Motion for Decertification dated and filed August 18, 2023. Counsel for the Appellant received written notice of entry of the Order denying reconsideration on August 18, 2023.
4. Amended Scheduling Order dated and filed February 15, 2023. Counsel for the Appellant received written notice of entry of the Order on February 15, 2023.
5. Order (untitled but addressing several issues) dated and filed May 8, 2023. Counsel for the Appellant received written notice of entry of the Order on May 8, 2023.
6. Trial Plan Order dated and filed August 17, 2023. Counsel for the Appellant received written notice of entry of the Order on August 17, 2023. Appellant's Motion for Reconsideration was filed August 28, 2023, and supplemented on August 31, 2023 by Defendant D.R. Horton, Inc.'s Brief in Support of Motion to Reconsider Trial Plan Order.
7. Form 4 Order dated and filed August 18, 2023, denying all pending Motions to Reconsider by all parties. Counsel for the Appellant received written notice of entry of the Order denying reconsiderations on August 18, 2023.

s/ Carl F. Muller

Carl F. Muller, SC Bar #4131
Carl F. Muller, Attorney-at-Law, P.A.
PO Box 1717
Greenville, SC 29602-1717
864-991-8904 Phone
864-751-2831 FAX
carl@carlmullerlaw.com
Attorney for Appellant D.R. Horton, Inc.

s/ Jason M. Imhoff

John T. Crawford Jr. (SC Bar # 69682)
Jason Imhoff (SC Bar # 69355)
Kimila L. Wooten (SC Bar #64516)
704 E. McBee Ave.
Greenville, SC 29601
(864) 242-4899
(864) 242-4844 (fax)
Crawford@conlaw.com

Imhoff@conlaw.com
wooten@conlaw.com
Attorneys for Appellant D.R. Horton, Inc.

Other Counsel of Record:

Justin O'Toole Lucey, Esq.
Dabny Lynn, Esq.
Sohayla R. Townes, Esq.
Justin O'Toole Lucey, P.A.
P.O. Box 806
Mount Pleasant, SC 29465-0806
jlucey@lucey-law.com
dlynn@lucey-law.com
stownes@lucey-law.com
amixson@lucey-law.com
vgarner@lucey-law.com
Attorneys for Plaintiff

Christopher M. Adams, Esquire
James L. Williams, Esquire
Collins and Lacey
1330 Lady Street, 6th Floor
Columbia, SC 29201
cadams@collinsandlacy.com
jwilliams@collinsandlacy.com
tjefferson@collinsandlacy.com
rcampbell@collinsandlacy.com
Attorneys for Third-Party Defendant A&J Framing, Inc.

Mark S. Barrow, Esquire
Christy E. Mahon, Esquire
Sweeny, Wingate & Barrow, P.A.
P.O. Box 12129
Columbia, SC 29211
cem@swblaw.com
mha@swblaw.com
Attorneys for Third-Party Defendant A-Z, Inc.

Christopher D. Scalzo, Esquire
Turner Padgett Graham & Laney, P.A.
200 East Broad Street, Suite 250
Greenville, SC 29601
cscalzo@turnerpadget.com

kbranham@turnerpadget.com

Attorney for Third-Party Defendant AJ Landscaping & Grading, LLC

Thomas F. Dougall, Esquire
Michal Kalwajtys, Esquire
1708 Woodcreek Farms Road
Elgin, SC 29045

tdougall@dougallfirm.com

mkalwajtys@dougallfirm.com

Attorneys for Third-Party Defendant AllPro Textures, LLC

Townes B. Johnson, III, Esquire
Townes B. Johnson, III, LLC
Bank of America Building
101 N. Main Street

Third Floor - Suite 302 (29601)

P.O. Box 9246 Greenville, SC 29604 tjohnson@sc.legal

Attorney for Third-Party Defendant Alpha E.M.C.

a/k/a Alpha Environmental Management Corp., LLC

C. Reed Teague, Esquire
The Ward Law Firm, PA
233 S. Pine Street (29302)
P.O. Box 5663

Spartanburg, SC 29304

rteague@wardfirm.com

asmith@wardfirm.com

afine@wardfirm.com

Attorney for Third-Party Defendants Alpha Omega Construction Group, Inc

James Bryson, Esquire
R. Michael Ethridge, Esquire
Ethridge Law Group
1100 Queensborough Blvd., Ste. 200
Mt. Pleasant, SC 29464

jbryson@ethridgelawgroup.com

methridge@ethridgelawgroup.com

rpruzin@ethridgelawgroup.com

Attorneys for Third-Party Defendant American Concrete and Precast, Inc.

a/k/a ACP Concrete, Inc.

David S. Cobb, Esquire
Turner, Padget, Graham & Laney, P.A.
40 Calhoun Street, Suite 200 (29401)
P.O. Box 22129

Charleston, SC 29413-2129

dcobb@turnerpadget.com

HHagen@TurnerPadget.com

SBethell@TurnerPadget.com

Attorney for Third-Party Defendant Atlanta Floor Designs Center

Katherine A. Walker, Esquire

Josh Duncan, Esquire

James K. Bryson, Esquire

Dylan C. Kidd, Esquire

Ethridge Law Group, LLC

1100 Queensborough Blvd., Suite 200

Mount Pleasant, SC 29464

kwalker@ethridgelawgroup.com

jbryson@ethridgelawgroup.com

dkidd@ethridgelawgroup.com

jduncan@ethridgelawgroup.com

Attorneys for Third-Party Defendant A Grade Above Others, LLC

R. Trippett Boineau, III, Esquire

George C. James, III, Esquire

McAngus Gouelock & Courie, LLC

1320 Main Street, 10th Floor (29201)

P.O. Box 12519

Columbia, SC 29211

trippett.boineaurwmgclaw.com

george.james@mgclaw.com

liz.davison@mgclaw.com

mrutland@mgclaw.com

Attorneys for Third-Party Defendants BKF Builders, Inc.

Stephen P. Hughes, Esquire

William H. Cox, III, Esquire

Howell, Gibson & Hughes, P.A.

P.O. Box 40

Beaufort, SC 29901-0040

sphughes@hgpha.com

wcox@hgpha.com

radkins@hgpha.com

kwillis@hgpha.com

scombites@hgpha.com

Attorneys for Third-Party Defendants BMC East, LLC

f/k/a Stock Building Supply, LLC

Eric R. Tonnsen, Esquire
Elizabeth A. Moore, Esquire
Eller Tonnsen Bach, LLC
1306 S. Church Street
Greenville, SC 29605
etonnsen@etblawfirm.com
lmoore@etblawfirm.com
emiller@etblawfirm.com

Attorneys for Third-Party Defendants Brand-Vaughn Lumber Co., Inc.

L. Dean Best, Esquire
Stefan Graff, Esquire
Best Law, P.A.
P.O. Box 2374
Mt. Pleasant, SC 29465
dean@bestlawsc.com
stefan@bestlawsc.com
dani@bestlawsc.com

Attorneys for Third-Party Defendant Bravo Carpenters, Inc.

Stephen P. Hughes, Esquire
William H. Cox, III, Esquire
Howell, Gibson & Hughes, P.A.
P.O. Box 40
Beaufort, SC 29901-0040
sphughes@hgpha.com
wcox@hgpha.com
radkins@hgpha.com
kwillis@hgpha.com
scombites@hgpha.com

***Attorneys for Third-Party Defendant Builders FirstSource Southeast Group, LLC
a/k/a Builders FirstSource, Inc.***

N. Keith Emge, Jr., Esquire
Jessica W. Stratta, Esquire
Resnick & Louis, P.C.
146 Fairchild Street, Suite 130
Charleston, SC 29492 cemge@rlattorneys.com jstratta@rlattorneys.com
vmyers@rlattorneys.com
mjustman@rlattorneys.com

***Attorneys for Third-Party Defendant Builder Services Group, LLC
f/k/a Masco Contractor Services Central, Inc. f/k/a Gale Industries, Inc.
d/b/a Gale Contractor Services***

Michael L. Leech, Esquire
Clawson & Staubes, LLC
126 Seven Farms Drive, Suite 200
Charleston, SC 29492-8144
mleech@clawsonandstaubes.com
twalker@clawsonandstaubes.com

and

Allen L. DuPre, Esquire
Lyles & Associates
1037 Chuck Dawley Blvd.
Mount Pleasant, SC 29464
ald@lylesfirm.com
ebr@lylesfirm.com
Attorneys for Third-Party Defendant Cannady Siding & Gutter, Inc.

C. Reed Teague, Esquire
The Ward Law Firm, PA
233 S. Pine Street (29302)
P.O. Box 5663
Spartanburg, SC 29304
rteague@wardfirm.com
asmith@wardfirm.com
afine@wardfirm.com
***Attorney for Third-Party Defendants Caryl Mechanicals II, Inc.
a/k/a Caryl Mechanicals, Inc.***

Shelley S. Montague, Esquire
Eleanor L. Jones, Esquire
Johnston Cox, Esquire
Gallivan, White & Boyd, P.A.
1201 Main Street, Suite 1200 (29201)
P.O. Box 7368
Columbia, SC 29202
smontaguel@gwblawfirm.com
jcox@gwblawfirm.com
ejones@gwblawfirm.com
ljones@gwblawfirm.com
jcobb@gwblawfirm.com
Attorneys for Third-Party Defendant CBU Enterprises, Inc.

Stephen P. Hughes, Esquire
William H. Cox, III, Esquire

Howell, Gibson & Hughes, P.A.
P.O. Box 40
Beaufort, SC 29901-0040 sphughes@hghpa.com
wcox@hghpa.com
radkins@hghpa.com
kwillis@hghpa.com
scombites@hghpa.com

Attorneys for Third-Party Defendant Coleman Floor, LLC

Eric R. Tonnsen, Esquire
Elizabeth A. Moore, Esquire
Eller Tonnsen Bach, LLC
1306 S. Church Street
Greenville, SC 29605
etonnsen@etblawfirm.com
lmoore@etblawfirm.com
emiller@etblawfirm.com

Attorneys for Third-Party Defendant Cortes Painting, LLC

Caroline M. Gieser, Esquire
Shook, Hardy & Bacon, LLP
1230 Peachtree Street, Suite 1200
Atlanta, GA 30309
ccieser@shb.com

Attorney for Third-Party Defendant CPI Security Systems, Inc.

Jacqueline Dixon Phillips, Esquire
Theodore Parker, III, Esquire
Parker Nelson & Associates
211 King Street, Suite 202
Charleston, SC 29401
jdixon@pnalaw.net
tparker@pnalaw.net

Attorney for Third-Party Defendant Ferguson Enterprises, Inc.

Sonaly Hendricks, Esquire
Danny Lynch, Esquire
Pierce Sloan Kennedy & Early, LLC
The Blake-Grimké House
321 East Bay Street (29401)
P.O. Box 22437
Charleston, SC 29413-2437
sonalyhendricks@piercesloan.com
daniellynch@piercesloan.com
sherrymanning@piercesloan.com

lindsaygrady@piercesloan.com

Attorneys for Third-Party Defendant Five Star Construction, Inc.

F. Heyward Grimball, Esquire
Richardson, Plowden & Robinson, P.A.
235 Magrath Darby Blvd., Ste. 100
Mount Pleasant, SC 29464

fhgrimball@richardsonplowden.com

eseelig@richardsonplowden.com

Attorney for Third-Party Defendant Five Star Foundations, LLC

Jeffrey A. Ross, Esquire
Philip P. Cristaldi, III, Esquire
Ross & Cristaldi, LLC
863 Coleman Blvd., Suite B
Mt. Pleasant, SC 29464

jross@rclawsc.com

pristaldi@rclawsc.com

esheets@rclawsc.com

bmyers@rclawsc.com

ewelk@rclawsc.com

imyers@rclawsc.com

kbarnes@rclawsc.com

***Attorneys for Third-Party Defendants Galloway-Bell, Inc.
a/k/a Galloway-Bell, Inc. II***

W. Duffie Powers, Esq.
Gallivan, White & Boyd, P.A.
55 Beattie Place, Ste. 1200
Greenville, SC 29301

dpowers@gwblawfirm.com

***Attorneys for GBS Building Supply, Inc.- US LBM, LLC
f/k/a GBS Building Supply, Inc.***

David W. Holmes, Esquire
Holmes Law Firm
712 North Main Street
Greenville, SC 29609

davidholmes@holmes-law.com

Attorney Third-Party Defendant General Shale Brick, Inc.

Everett A. Kendall, II, Esquire
Jordan Davis, Esquire
Scott W. Giblin, Esquire

Murphy & Grantland, P.A.
4406-B Forest Drive
Columbia, SC 29206

rkendall@murphygrantland.com

jcdavis@murphygrantland.com

sgiblin@murphygrantland.com

mtaylor@murphygrantland.com

mtinsley@murphygrantland.com

***Attorneys for Third-Party Defendants Installed Building Products, LLC
a/k/a Installed Building Products II, LLC; and IBP Asset, LLC
d/b/a Blue Ridge Building Products, LLC***

Blinn Lawrence Cushman, Esquire

Elizabeth Ann Martineau, Esquire

Lee Thomas, Esquire

Martineau King

8701 Red Oak Blvd., Ste. 100

Charlotte, NC 28217

bcushman@martineauking.com

emartineau@martineauking.com

lthomas@martineauking.com

mpitts@martineauking.com

Attorneys for Third-Party Defendants JLS Masonry, Inc.

W. Duffie Powers, Esquire

Carter Massingill, Esquire

Gallivan, White & Boyd, P.A.

55 Beattie Place, Ste. 1200

Greenville, SC 29301

dpowers@gwblawfirm.com

cmassingill@gwblawfirm.com

ebehymer@gwblawfirm.com

Attorneys for Third-Party Defendant Kings Landscaping, LLC

R. Trippett Boineau, III, Esquire

George C. James, III, Esquire

McAngus Gouelock & Courie, LLC

1320 Main Street, 10th Floor (29201)

P.O. Box 12519

Columbia, SC 29211

trippett.boineaurwmgclaw.com

george.jarnes@mgclaw.com

liz.davison@mgclaw.com

mrutland@mgclaw.com

Attorneys for Third-Party Defendant L&M Electric

Steven L. Smith, Esquire
Smith, Closser & Wheeler, PA
7455 Cross Country Road, Suite 1 (29418)
P.O. Box 40578
Charleston, SC 29423
ssmith@scnlaw.com
apittman@scnlaw.com

Attorney for Third-Party Defendant Lade-Danlar, Inc.

S. Markey Stubbs, Esquire
JC Davis, Esquire
Baker Ravenel Bender
P.O. Box 8057
Columbia, SC 29202
mstubbs@brblegal.com
jdavis@brblegal.com
jowens@brblegal.com

Attorney for Third-Party Defendant Landshapers, LLC

Heath M. Stewart, III, Esquire
Michael Trask, Esquire
McAngus Goudelock & Courie, LLC
1320 Main Street
Meridian, 10th Floor
Columbia, SC 29201
heath.stewart@mgclaw.com
Michael.trask@mgclaw.com
Chloe.Romanstine@mgclaw.com
jessica.coleman@mgclaw.com

Attorney for Third-Party Defendant Long Heating & Air Conditioning, Inc.

Wesley Dickinson Peel, Esquire
J. Cole Hancock, Esquire
Bruner Powell Wall & Mullins, LLC
1735 St. Julian Place, Suite 200
Columbia, SC 29204
wpeel@brunerpowell.com
jcolehancock@brunerpowell.com
***Attorney for Third-Party Defendant M&L General Construction, LLC
a/k/a M&L General Construction, Inc.***

Kevin W. Mims, Esquire

Whit Perrin, Esquire
Rachel N. Stewart, Esquire
Luzuriaga Mims, LLP
1156 King Street
Charleston, SC 29403
kmims@lmlawllp.com
wperrin@lmlawllp.com
rstewart@lmlawllp.com
tjames@lmlawllp.com
lmsupport@lmlawllp.com

Attorneys for Third-Party Defendant M&L Reyna Construction, LLC

Jeffrey A. Ross, Esquire
Philip P. Cristaldi, III, Esquire
Ross & Cristaldi, LLC
863 Coleman Blvd., Suite B
Mt. Pleasant, SC 29464
jross@rclawsc.com
pristaldi@rclawsc.com
esheets@rclawsc.com
bmyers@rclawsc.com
ewelk@rclawsc.com
imyers@rclawsc.com
kbarnes@rclawsc.com

Attorneys for Third-Party Defendant M&M Foundations, LLC

F. Heyward Grimbball, Esquire
Richardson, Plowden & Robinson, PA
235 MaGrath Darby Blvd., Suite 100
Mt. Pleasant, SC 29464
fhgrimbball@richardsonplowden.com
eseelig@richardsonplowden.com
mjustman@richardsonplowden.com
cgourdine@richardsonplowden.com
penright@richardsonplowden.com

Attorneys for Third-Party Defendant Manale Landscaping, LLC

Blinn Lawrence Cushman, Esquire
Elizabeth Ann Martineau, Esquire
Lee Thomas, Esquire
Martineau King
8701 Red Oak Blvd., Ste. 100
Charlotte, NC 28217
bcushman@martineauking.com

emartineau@martineauking.com
lthomas@martineauking.com
mpitts@martineauking.com

Attorneys for Third-Party Defendant MJ Cowboys, LLC

R. Trippett Boineau, III, Esquire
George C. James, III, Esquire
McAngus Gouelock & Courie, LLC
1320 Main Street, 10th Floor (29201)
P.O. Box 12519
Columbia, SC 29211

trippett.boineaurwmgclaw.com
george.jarnes@mgclaw.com
liz.davison@mgclaw.com
mrutland@mgclaw.com

Attorneys for Third-Party Defendant Nazareth Builders, LLC

Jillian Barton, Esquire
Dunn Hollingsworth, Esquire
Robertson, Hollingsworth, Manos & Rahn
550 King Street, Ste. 300
Charleston, SC 29403

jsb@roblaw.net
ddh@roblaw.net

Attorneys for Third-Party Defendant NB Contractors, LLC

Alan R. Belcher, Jr., Esquire
Connor E. Johnson, Esquire
Hall Booth Smith, P.C.
111 Coleman Blvd., Suite 301
Mt. Pleasant, SC 29464

abelcher@hallboothsmith.com
cjohnson@hallboothsmith.com
sfischer@hallboothsmith.com

***Attorneys for Third-Party Defendant P&T Construction, Inc.
a/k/a P&T Construction, Inc.***

Jeffrey A. Ross, Esquire
Philip P. Cristaldi, III, Esquire
Ross & Cristaldi, LLC
863 Coleman Blvd., Suite B
Mt. Pleasant, SC 29464

jross@rclawsc.com
pristaldi@rclawsc.com

esheets@rclawsc.com
bmyers@rclawsc.com
ewelk@rclawsc.com
imyers@rclawsc.com
kbarnes@rclawsc.com

Attorneys for Third-Party Defendant P&L Enterprises, LLC

Stephen P. Hughes, Esquire
William H. Cox, III, Esquire
Howell, Gibson & Hughes, P.A.
P.O. Box 40
Beaufort, SC 29901-0040

sphughes@hgghpa.com
wcox@hgghpa.com
radkins@hgghpa.com
kwillis@hgghpa.com
scombites@hgghpa.com

***Attorneys for Third-Party Defendant ProBuild Company, LLC
a/k/a ProBuild Holdings, Inc.***

Charles O. Williams, III, Esquire
McAngus Goudelock & Courier, LLC
55 E. Camperdown Way, Ste 300 (29601)
P.O. Box 2980
Greenville, SC 29602

cwilliams@mgclaw.com
melinda.owens@mgclaw.com

***Attorney for Third-Party Defendant Rite Rug Company, Inc.
a/k/a Rite Rug Co.***

William W. Watkins, Jr., Esquire
Olivia A. Matte, Esquire
Wall Templeton & Haldrup, P.A.
145 King Street, Suite 300 (29401)
P.O. Box 1200
Charleston, SC 29402

Trey.watkins@walltempleton.com
Olivia.rmatte@walltempleton.com
Christie.howell@walltempleton.com
Sarah.Schrodetzki@WallTempleton.com

***Attorneys for Third-Party Defendant Rodney Howard Grading, Inc.
a/k/a Rodney Howard Grading Co.***

Anne R. Culbreath, Esquire

Andrew N. Price, Esquire
325 Rocky Slope Road, Suite 201
Greenville, SC 29607
arculbreath@wjcblaw.com
aprice@wjcblaw.com
Attorney for Third-Party Defendant Sandlapper Concrete, LLC

Kirby D. Shealy, III, Esquire
Luke Allen, Esquire
Adams and Reese, LLP
1501 Main Street, 5th Floor
Columbia, SC 29201
kirby.shealy@arlaw.com
luke.allen@arlaw.com
monica.gende@arlaw.com
Attorneys for Third-Party Defendant Silver Line Building Products Corporation

Jeffrey A. Ross, Esquire
Philip P. Cristaldi, III, Esquire
Ross & Cristaldi, LLC
863 Coleman Blvd., Suite B
Mt. Pleasant, SC 29464
jross@rclawsc.com
pristaldi@rclawsc.com
esheets@rclawsc.com
bmyers@rclawsc.com
ewelk@rclawsc.com
imyers@rclawsc.com
kbarnes@rclawsc.com
Attorneys for Third-Party Defendants Sodfather, Inc. Landscape Contractors

N. Keith Emge, Jr., Esquire
Jessica W. Stratta, Esquire
Resnick & Louis, P.C.
146 Fairchild Street, Suite 130
Charleston, SC 29492
cemge@rlattorneys.com
jstratta@rlattorneys.com
vmyers@rlattorneys.com
mjustman@rlattorneys.com
Attorneys for Third-Party Defendant TopBuild Home Services, Inc.

W. Duffie Powers, Esq.
Gallivan, White & Boyd, P.A.

55 Beattie Place, Ste. 1200
Greenville, SC 29301
dpowers@gwblawfirm.com
Attorneys for Tucker Materials, Inc. a/k/a Gypsum

Jeffrey A. Ross, Esquire
Philip P. Cristaldi, III, Esquire
Ross & Cristaldi, LLC
863 Coleman Blvd., Suite B
Mt. Pleasant, SC 29464
jross@rclawsc.com
pristaldi@rclawsc.com
esheets@rclawsc.com
bmyers@rclawsc.com
ewelk@rclawsc.com
imyers@rclawsc.com
kbarnes@rclawsc.com
Attorneys for Third-Party Defendant Willow Tree Landscaping, Inc.

Clark W. DuBose, Esquire
Alexander G. Mende, Esquire
Haynesworth Sinkler Boyd
1201 Main Street, 22nd Floor
Columbia, SC 29201-3226
cdubose@hsblawfirm.com
amende@hsblawfirm.com
bvaldes@hsblawfirm.com
agraham@hsblawfirm.com
cgarner@hsblawfirm.com

and

R. Batten Farrar, Esquire
R. Bryan Barnes, Esquire
Rogers Townsend
401 North Main Street, Ste. 100
Greenville, SC 29601
Batten.farrar@rogerstownsends.com
bryan.barnes@rogerstownsends.com
joanne.allen@rogerstownsends.com
Attorneys for Fourth-Party Defendant Aaron D. Peris

Christopher M. Adams, Esquire
James L. Williams, Esquire

Collins & Lacy, P.C.
P.O. Box 12487
Columbia, SC 29211
cadams@collinsandlacy.com
jwilliams@collinsandlacy.com
***Attorney for Fourth-Party Defendants Antonio Flooring, LLC
and Bryan's Flooring Services, LLC***

John D. Harjehausen, Esquire
James P. Walsh, Esquire
Clarkson, Walsh & Coulter, P.A.
1164A Woodruff Road
Greenville, SC 20607
jharjehausen@clarksonwalsh.com
jwalsh@clarksonwalsh.com
chumberger@clarksonwalsh.com
***Attorneys for Fourth-Party Defendant Carlos Humberto Landaverry
d/b/a Landaverry Flooring***

Ron Tate, Esquire
Lee Nanney, Esquire
Gallivan, White & Boyd P.A.
P.O. Box 10589 (29603)
55 Beattie Place, Suite 1200
Greenville, SC 29601
rtate@gwblawfirm.com
lnanney@gwblawfirm.com
ebehymmer@gwblawfirm.com
kpetersoli@gwblawfirm.com
***Attorneys for Fourth-Party Defendant Carolina Hernandez
d/b/a Josue's Flooring, LLC***

Robert D. Moseley, Jr., Esquire
Gerald Thomas Chase, Esquire
D. Lesesne Phillips, Esquire
Moseley Marcinak Law Group, LLP
4324 Wade Hampton Blvd., Ste. B
P.O. Box 26148
Greenville, SC 29687
Rob.moseley@momarlaw.com
Tom.chase@momarlaw.com
Lesesne.phillips@momarlaw.com
Attorneys for Fourth-Party Defendant Enriquez Floors, LLC

Bonum S. Wilson, Esquire
Brandon T. Reeser, Esquire
Wilson, Heyward & Reeser, LLC
924 Folly Road (29412)
P.O. Box 13177
Charleston, SC 29322
bwilson@wilsonheyward.com
breeser@wilsonheyward.com
loneil@wilsonheyward.com

***Attorneys for Fourth-Party Defendants Fredy Perez,
Individually and d/b/a Fredy's HVAC***

Robert D. Moseley, Jr., Esquire
Gerald Thomas Chase, Esquire
D. Lesesne Phillips, Esquire
Moseley Marcinak Law Group, LLP
4324 Wade Hampton Blvd., Ste. B
P.O. Box 26148
Greenville, SC 29687
Rob.moseley@momarlaw.com
Tom.chase@momarlaw.com
Lesesne.phillips@momarlaw.com

Attorneys for Fourth-Party Defendant Garcia's Carpet, Inc.

Glenn Elliott, Esquire
Aiken Bridges Elliott Tyler & Saleeby, PA
181 East Evans Street, Suite 409 (29506)
P.O. Box 1931 (29503)
Florence, South Carolina
ege@aikenbridges.com
slh@aikenbridges.com
clf@aikenbridges.com

Attorney for Fourth-Party Defendant Geovany Liva

John Elliott Rogers, II, Esquire
T. Jonathan Clark, Esquire
The Ward Law Firm, P.A.
233 South Pine Street
Spartanburg, SC 29302 jrogers@wardfirm.com
jclark@wardfirm.com
kparham@wardfirm.com
ssantana@wardfirm.com

and

Caroline Kathryn Hicks, Esq.
Robert T. Lyles, Jr., Esq.
Lyles & Associates, LLC
1037 Chuck Dawley Blvd., Ste. G-100
Mount Pleasant, SC 29464
rtl@lylesfirm.com
ckh@lylesfirm.com
sms@lylesfirm.com

Attorneys for Fourth-Party Defendant Harrelson Painting, LLC

W. McElhane White, Esquire
Holcombe Bomar, P.A.
P.O. Box 1897
Spartanburg, SC 29304
mwhite@holcombebomar.com
lcopeland@holcombebomar.com

Attorney for Fourth-Party Defendant Hector Flooring, Inc.

Bonum S. Wilson, Esquire
Brandon T. Reeser, Esquire
Wilson, Heyward & Reeser, LLC
924 Folly Road (29412)
P.O. Box 13177
Charleston, SC 29322
bwilson@wilsonheyward.com
breeser@wilsonheyward.com
loneil@wilsonheyward.com

Attorneys for Fourth-Party Defendant Henry Construction, LLC

Kristian M. Cross, Esquire
Thomas Pritchard, Esquire
Vernis & Bowling of Columbia, LLC
2711 Middleburg Drive, Suite 216
Columbia, SC 29204
KCross@SCarolina-Law.com
rberlin@scarolina-law.com
tpritchard@scarolina-law.com

and

James Merritt, Jr., Esquire
Cody McCollum, Esquire
30 Perimeter Park Drive, Ste. 200
Atlanta, GA 30341
jmerritt@georgia-law.com

cmccollum@georgia-law.com

rberlin@scarolina-law.com

Attorneys for Fourth-Party Defendant Huttig Building Products

John D. Harjehausen, Esquire
James P. Walsh, Esquire
Clarkson, Walsh & Coulter, P.A.
1164A Woodruff Road
Greenville, SC 20607

jharjehausen@clarksonwalsh.com

jwalsh@clarksonwalsh.com

chumberger@clarksonwalsh.com

Attorneys for Fourth-Party Defendant Jesus Perez

Stacey P. Canaday, Esquire
Tupper, Grimsley, Dean & Canaday
611 Bay Street
Beaufort, SC 29902 staceycanaday@tgdcpa.com

Morgan.reeves@tgdcpa.com

***Attorney for Fourth-Party Defendants Jimenez Contractors, LLC,
Juan Jimenez a/k/a Juan Rene Jimenez a/k/a Rene Jimenez Bonilla,
Individually and d/b/a Jimenez Contractors, Inc.***

L. Darby Plexico, Esquire
Brown & Brehmer
1720 Main Street, Suite 201
P.O. Box 7966
Columbia, SC 29202

ldp@brownandbrehmer.com

lw@brownandbrehmer.com

Attorneys for Fourth-Party Defendant Nataren Contractors, LLC

John D. Harjehausen, Esquire
James P. Walsh, Esquire
Clarkson, Walsh & Coulter, P.A.
1164A Woodruff Road
Greenville, SC 20607

jharjehausen@clarksonwalsh.com

jwalsh@clarksonwalsh.com

chumberger@clarksonwalsh.com

Attorneys for Fourth-Party Defendant Ngan My Giang d/b/a Landaverry Flooring

Mark S. Barrow, Esquire
Christy E. Mahon, Esquire

Sweeny, Wingate & Barrow, P.A.

P.O. Box 12129

Columbia, SC 29211

msb@swblaw.com

cem@swblaw.com

mha@swblaw.com

Attorneys for Fourth-Party Defendant Nicholas Soto a/k/a Nicholas Soto, Individually and d/b/a Soto HVAC

Clark W. DuBose, Esquire

Alexander G. Mende, Esquire

Haynesworth Sinkler Boyd

1201 Main Street, 22nd Floor

Columbia, SC 29201-3226

cdubose@hsblawfirm.com

amende@hsblawfirm.com

bvaldes@hsblawfirm.com

agraham@hsblawfirm.com

cgarner@hsblawfirm.com

and

R. Batten Farrar, Esquire

R. Bryan Barnes, Esquire

Rogers Townsend

401 North Main Street, Ste. 100

Greenville, SC 29601

Batten.farrar@rogerstownsends.com

bryan.barnes@rogerstownsends.com

joanne.allen@rogerstownsends.com

Attorneys for Fourth-Party Defendant Panuncio Victoriano Martinez, Individually and d/b/a Victoriano HVAC, LLC

Bonum S. Wilson, III, Esquire

Brandon T. Reeser, Esquire

Wilson Heyward & Reeser, LLC

P.O. Box 13177

Charleston, SC 29422

bwilson@wilsonheyward.com

breeser@wilsonheyward.com

Attorneys for Fourth-Party Defendant Saguay Flooring, LLC

William Ansel Collins, Jr.

Michal Kalwajtys

Baker Ravenel @ Bender, LLP
3710 Landmark Drive Suite 400
Columbia SC 29204

mkalwajtys@brblegal.com

wcollins@brblegal.com

Attorneys for Fourth-Party Defendant Scorpio Title & Glassworks, Inc.

Brian E. Wolfe, Esquire
Wolfe, Campbell, Gunst & Hinson, PLLC
215 Queens Road, Suite 200
Charlotte, NC 29204

bwolfe@wolfe-campbell.com

aschieber@wolfe-campbell.com

bchapman@wolfe-campbell.com

Attorney for Fourth-Party Defendant SL Commercial Construction, Inc.

Brandon P. Jones, Esquire
Jacob A. Flowers, Esquire
The McKay Firm
3700 Forest Drive, Suite 404 (29204)
P.O. Box 7217
Columbia, SC 29202

bjones@mckayfirm.com

jflowers@mckayfirm.com

Attorneys for Fourth-Party Defendant Therma-Tru Ltd

Anne R. Culbreath, Esquire
Willson Jones Carter & Baxley
325 Rocky Slope Road, Suite 201
Greenville, SC 29607

arculbreath@wjcblaw.com

bmhayes@wjcblaw.com

Attorney for Fourth-Party Defendant Vinny's Perfection Flooring, LLC

Phillip E. Reeves, Esquire
Gallivan White Boyd
55 Beattie Place, Suite 1200 (29601)
P.O. Box 10589
Greenville, SC 29603 preeves@gwblawfirm.com

Attorney for Fourth-Party Defendant Zenon Guterrez Antunez

RECEIVED

Sep 06 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

Hon. R. Scott Sprouse, Circuit Court Judge

CASE NO. 2019-CP-04-01942

Natalie Zitek, individually, and on behalf of others
similarly situated..... Plaintiff,

v.

D.R. Horton, Inc., Jane Doe #1-10; and John Doe #1-50,Defendants,

D.R. Horton, Inc., Third-Party Plaintiff,

vs

A&J Framing, Inc.;;
A-Z, Inc.;;
AJ Landscaping & Grading, LLC, A/K/A AJ Landscaping & Grading, LLC;
Allpro Textures, LLC;
Alpha E.M.C.;;
Alpha Omega Construction Group, Inc.;;
American Concrete And precast, Inc.; A/K/A ACP Concrete, Inc.;;
Atlanta Floor Designs Center;
A Grade Above Others, LLC;
BFK Builders, Inc.;;
BMC East LLC D/B/A Coleman Floor, LLC;
Brand-Vaughn Lumber Co, Inc.;;
Bravo Carpenters, Inc.;;
Builders Designhouse, LLC;
Builders FirstSource Southeast Group, LLC, A/K/A Builders FirstSource, Inc.;;
Builders Services Group, LLC F/K/A Masco Contractor Services Central Inc. F/K/A Gale
Industries, Inc. D/B/A Gale Contractor Services;
Cannaday Siding & Gutter, Inc.;;
Caryl Mechanics II, Inc., A/K/A Caryl Mechanicals, Inc.;;
CBU Enterprises, Inc.;;
Cortes Painting, LLC;
CPI Security Systems, Inc.;;
Dom Group, LLC;

Dupree Plumbing Company, Inc.;
 Ferguson Enterprises, Inc.;
 Five Star Construction Inc.;
 Five Star Foundations, LLC;
 Galloway-Bell, Inc. A/K/A Galloway-Bell Inc. II;
 GBS Building Supply – Us LBM, LLC, F/K/A/GBS Building Supply, Inc.;
 General Shale Brick Inc.;
 Get Floored, LLC;
 Greener Pastures, Inc., A/K/A Greener Pastures of Aiken, LLC;
 Installed Building Products, LLC A/K/A Installed Building Products II, LLC;
 IBP Asset, LLC D/B/A Blue Ridge Building Products;
 JLS Masonry, Inc.;
 Kings Landscaping, LLC;
 L&M Electric, Inc.;
 Lade-Danlar, Inc.;
 Landshapers, LLC;
 Lansing Building Products, Inc.;
 Long Heating & Air Conditioning, Inc.;
 M&L General Construction, LLC, A/K/A M&L General Construction, Inc.;
 M&L Reyna Construction, LLC;
 M&M Foundations, LLC;
 Manale Landscaping, LLC;
 MJ Cowboys, LLC;
 Nazareth Builders, LLC;
 NB Contractors, LLC;
 Poinsett Development, LLC;
 Poinsett Homes, LLC;
 P&L Enterprises, LLC;
 P&T Construction, Inc., A/K/A P&T Construction, Inc.;
 Probuild Company, LLC A/K/A Probuild Holdings, Inc.;
 Rite Rug Co.;
 Rodney Howard Grading, Inc. A/K/A Rodney Howard Grading Co.;
 Sandlapper Concrete, LLC;
 Silver Line Building Products Corporation;
 Sodfather Inc., Landscape Contractors;
 Stock Building Supply, LLC;
 Topbuild Home Services., Inc., A/K/A Gale Contractors Service;
 Tucker Materials, Inc., A/K/A Gypsum;
 UTM Enterprises, Inc;
 and
 Willow Tree Landscaping, Inc Third-Party Defendants

and

Aaron D. Peris;
 Harrelson Painting, LLC;
 Huttig Building Products; et al Fourth and Fifth-Party
 Defendants and Plaintiffs

D.R. HORTON, INC.....Appellant

Natalie Zitek, individually, and on behalf of others
similarly situated;

Jane Doe #1-10; and John Doe #1-50;

A&J Framing, Inc.;

A-Z, Inc.;

AJ Landscaping & Grading, LLC, A/K/A AJ Landscaping & Grading, LLC;

Allpro Textures, LLC;

Alpha E.M.C.;

Alpha Omega Construction Group, Inc.;

American Concrete And precast, Inc.; A/K/A ACP Concrete, Inc.;

Atlanta Floor Designs Center;

A Grade Above Others, LLC;

BFK Builders, Inc.;

BMC East LLC D/B/A Coleman Floor, LLC;

Brand-Vaughn Lumber Co, Inc.;

Bravo Carpenters, Inc.;

Builders Designhouse, LLC;

Builders FirstSource Southeast Group, LLC, A/K/A Builders FirstSource, Inc.;

Builders Services Group, LLC F/K/A Masco Contractor Services Central Inc. F/K/A Gale Industries, Inc. D/B/A Gale Contractor Services;

Cannaday Siding & Gutter, Inc.;

Caryl Mechanics II, Inc., A/K/A Caryl Mechanicals, Inc.;

CBU Enterprises, Inc.;

Cortes Painting, LLC;

CPI Security Systems, Inc.;

Dom Group, LLC;

Dupree Plumbing Company, Inc.;

Ferguson Enterprises, Inc.;

Five Star Construction Inc.;

Five Star Foundations, LLC;

Galloway-Bell, Inc. A/K/A Galloway-Bell Inc. II;

GBS Building Supply – Us LBM, LLC, F/K/A/GBS Building Supply, Inc.;

General Shale Brick Inc.;

Get Floored, LLC;

Greener Pastures, Inc., A/K/A Greener Pastures of Aiken, LLC;

Installed Building Products, LLC A/K/A Installed Building Products II, LLC;

IBP Asset, LLC D/B/A Blue Ridge Building Products;

JLS Masonry, Inc.;

Kings Landscaping, LLC;

L&M Electric, Inc.;

Lade-Danlar, Inc.;

Landshapers, LLC;

Lansing Building Products, Inc.;

Long Heating & Air Conditioning, Inc.;

M&L General Construction, LLC, A/K/A M&L General Construction, Inc.;

M&L Reyna Construction, LLC;
M&M Foundations, LLC;
Manale Landscaping, LLC;
MJ Cowboys, LLC;
Nazareth Builders, LLC;
NB Contractors, LLC;
Poinsett Development, LLC;
Poinsett Homes, LLC;
P&L Enterprises, LLC;
P&T Construction, Inc., A/K/A P&T Construction, Inc.;
Probuild Company, LLC A/K/A Probuild Holdings, Inc.;
Rite Rug Co.;
Rodney Howard Grading, Inc. A/K/A Rodney Howard Grading Co.;
Sandlapper Concrete, LLC;
Silver Line Building Products Corporation;
Sodfather Inc., Landscape Contractors;
Stock Building Supply, LLC;
Topbuild Home Services., Inc., A/K/A Gale Contractors Service;
Tucker Materials, Inc., A/K/A Gypsum;
UTM Enterprises, Inc;
and
Willow Tree Landscaping, Inc;

Aaron D. Peris;
Harrelson Painting, LLC;
Huttig Building Products; and
Therma-Tru, Ltd;

Arcides Garcia;
Brandon Chaves;
C&H Wood Flooring, Inc.;
Dora Maria Pina;
Felix Tile;
Filadelfo Avila Carrillo;
Francisco Sanchez;
J&K Floor Corp;
JCT Flooring;
Jose Javier Marin;
Lemus Tile;
Leos Flooring, LLC;
Martin Garcia;
Nora Canales;
Othon Delgado Ramas;
Resendiz Flooring;
Richard Bumbalough;
Richard Gerardo Loreda Gomez;
Robert Gillespie;
Roberto Morales Ferretiz;
Roberto Tile, Inc
Scorpio Tile Glass Work; and

Urias Flooring, Co., LLC;

Zenon Gutierrez Antunez;

Jesus Perez;

Fredy Perez and Venustiano Perez, Individually and D/B/A Fredy's HVAC;

Nicholas Sota a/k/a Nicholas Soto, Individually and D/B/A Soto HVAC;

Jason Weaver, Individually and D/B/A Tiger Mechanical; and

Panuncio Victoriano Martinez, Individually and D/B/A Victoriano HVAC, LLC;

Brothers Contractors, Inc.;

Brothers Contactors, LLC;

Nataren Contractors, LLC;

Jimenez Contactors, LLC;

Jimenez Contractors, Inc.;

Henry Construction, LLC;

SL Commercial Construction, Inc.;

Rogelio Basilio-Vazquez;

Geovany Leiva;

Geovany Leiva D/B/A GSF Renovations, LLC;

GSF Renovations, LLC;

RJ Quality Construction, Inc.;

Rafael Bonzalez-Colazo, Individually and D/B/A RJ Commercial Construction, Inc.;

Santos Metal Works, LLC;

AHR Construction, Inc.;

Denny Concepcion;

RJ Commercial Construction, Inc.;

Safeway Roofing;

Torres Quality Construction;

JJS Commercial Construction, Inc.;

Jose Hernandez;

Bonilla Construction, Inc.; and

Jose P. Jimenez, Individually and D/B/A Bonilla Construction, Inc.;

Carlos Humberto Landaverry;

Ngan My Giang;

Landaverry Flooring, LLC;

Hector Flooring;

Scorpio Tile & Glassworks, Inc.;

Jose Javier Marin;

O&E Flooring;

Othon Ramos;

Saguay Flooring; and

Cruz Flooring;

AJ&I Flooring, LLC;

Antonio's Flooring, LLC;

Bryan's Flooring Services, LLC;

Enriquez Floors, LLC;

Garcia's Carpet, Inc.;

Hector Flooring, Inc.;

Carolina Hernandez D/B/A Josue's Flooring, LLC;
NM Alex Carpet, Inc.;
Promesa Flooring; and
Vinny's Perfection Flooring, LLC;

Jesus Jimenez; and
Jesus Robles Montez A/K/A Robles Construction ;

Toribio Islas; and
Alejandro Soto.....Respondents

PROOF OF SERVICE

The undersigned does hereby certify that on September 1st, 2023 a copy of the Notice of Appeal as served by email on all counsel of record as follows and filed with the Clerk of Court for Anderson County Court of Common Pleas via electronic filing. A copy of the sent email is enclosed as Exhibit 1 with this Proof of Service.

s/ Carl F. Muller

Carl F. Muller, SC Bar #4131
Carl F. Muller, Attorney-at-Law, P.A.
PO Box 1717
Greenville, SC 29602-1717
864-991-8904 Phone
864-751-2831 FAX
carl@carlmullerlaw.com
Attorney for Appellant D.R. Horton, Inc.

s/ Jason M. Imhoff

John T. Crawford Jr. (SC Bar # 69682)
Jason Imhoff (SC Bar # 69355)
Kimila L. Wooten (SC Bar #64516)
704 E. McBee Ave.
Greenville, SC 29601
(864) 242-4899
(864) 242-4844 (fax)
Crawford@conlaw.com
Imhoff@conlaw.com
wooten@conlaw.com
Attorneys for Petitioner D.R. Horton, Inc.

Other Counsel of Record:

Justin O'Toole Lucey, Esq.
Dabny Lynn, Esq.
Sohayla R. Townes, Esq.
Justin O'Toole Lucey, P.A.
P.O. Box 806
Mount Pleasant, SC 29465-0806
jlucey@lucey-law.com
dlynn@lucey-law.com
stownes@lucey-law.com
amixson@lucey-law.com
vgarner@lucey-law.com
Attorneys for Plaintiff

Christopher M. Adams, Esquire
James L. Williams, Esquire
Collins and Lacey
1330 Lady Street, 6th Floor
Columbia, SC 29201
cadams@collinsandlacy.com
jwilliams@collinsandlacy.com
tjefferson@collinsandlacy.com
rcampbell@collinsandlacy.com
Attorneys for Third-Party Defendant A&J Framing, Inc.

Mark S. Barrow, Esquire
Christy E. Mahon, Esquire
Sweeny, Wingate & Barrow, P.A.
P.O. Box 12129
Columbia, SC 29211
cem@swblaw.com
mha@swblaw.com
Attorneys for Third-Party Defendant A-Z, Inc.

Christopher D. Scalzo, Esquire
Turner Padgett Graham & Laney, P.A.
200 East Broad Street, Suite 250
Greenville, SC 29601
cscalzo@turnerpadgett.com
kbranham@turnerpadgett.com
Attorney for Third-Party Defendant AJ Landscaping & Grading, LLC

Thomas F. Dougall, Esquire
Michal Kalwajtyś, Esquire
1708 Woodcreek Farms Road
Elgin, SC 29045
tdougall@dougallfirm.com

mkalwajtys@dougallfirm.com

Attorneys for Third-Party Defendant AllPro Textures, LLC

Townes B. Johnson, III, Esquire

Townes B. Johnson, III, LLC

Bank of America Building

101 N. Main Street

Third Floor - Suite 302 (29601)

P.O. Box 9246 Greenville, SC 29604 tjohnson@sc.legal

Attorney for Third-Party Defendant Alpha E.M.C.

a/k/a Alpha Environmental Management Corp., LLC

C. Reed Teague, Esquire

The Ward Law Firm, PA

233 S. Pine Street (29302)

P.O. Box 5663

Spartanburg, SC 29304

rteague@wardfirm.com

asmith@wardfirm.com

afine@wardfirm.com

Attorney for Third-Party Defendants Alpha Omega Construction Group, Inc

James Bryson, Esquire

R. Michael Ethridge, Esquire

Ethridge Law Group

1100 Queensborough Blvd., Ste. 200

Mt. Pleasant, SC 29464

jbryson@ethridgelawgroup.com

methridge@ethridgelawgroup.com

rpruzin@ethridgelawgroup.com

Attorneys for Third-Party Defendant American Concrete and Precast, Inc.

a/k/a ACP Concrete, Inc.

David S. Cobb, Esquire

Turner, Padgett, Graham & Laney, P.A.

40 Calhoun Street, Suite 200 (29401)

P.O. Box 22129

Charleston, SC 29413-2129

dcobb@turnerpadgett.com

HHagen@TurnerPadgett.com

SBethell@TurnerPadgett.com

Attorney for Third-Party Defendant Atlanta Floor Designs Center

Katherine A. Walker, Esquire

Josh Duncan, Esquire

James K. Bryson, Esquire

Dylan C. Kidd, Esquire
Ethridge Law Group, LLC
1100 Queensborough Blvd., Suite 200
Mount Pleasant, SC 29464
kwalker@ethridgelawgroup.com
jbryson@ethridgelawgroup.com
dkidd@ethridgelawgroup.com
jduncan@ethridgelawgroup.com

Attorneys for Third-Party Defendant A Grade Above Others, LLC

R. Trippett Boineau, III, Esquire
George C. James, III, Esquire
McAngus Gouelock & Courie, LLC
1320 Main Street, 10th Floor (29201)
P.O. Box 12519
Columbia, SC 29211
trippett.boineaurwmgclaw.com
george.jarnes@mgclaw.com
liz.davison@mgclaw.com
mrutland@mgclaw.com

Attorneys for Third-Party Defendants BKF Builders, Inc.

Stephen P. Hughes, Esquire
William H. Cox, III, Esquire
Howell, Gibson & Hughes, P.A.
P.O. Box 40
Beaufort, SC 29901-0040
sphughes@hgpha.com
wcox@hgpha.com
radkins@hgpha.com
kwillis@hgpha.com
scombites@hgpha.com

***Attorneys for Third-Party Defendants BMC East, LLC
f/k/a Stock Building Supply, LLC***

Eric R. Tonnsen, Esquire
Elizabeth A. Moore, Esquire
Eller Tonnsen Bach, LLC
1306 S. Church Street
Greenville, SC 29605
etonnsen@etblawfirm.com
lmoore@etblawfirm.com
emiller@etblawfirm.com

Attorneys for Third-Party Defendants Brand-Vaughn Lumber Co., Inc.

L. Dean Best, Esquire
Stefan Graff, Esquire
Best Law, P.A.
P.O. Box 2374
Mt. Pleasant, SC 29465
dean@bestlawsc.com
stefan@bestlawsc.com
dani@bestlawsc.com

Attorneys for Third-Party Defendant Bravo Carpenters, Inc.

Stephen P. Hughes, Esquire
William H. Cox, III, Esquire
Howell, Gibson & Hughes, P.A.
P.O. Box 40
Beaufort, SC 29901-0040
sphughes@hgpha.com
wcox@hgpha.com
radkins@hgpha.com
kwillis@hgpha.com
scombites@hgpha.com

***Attorneys for Third-Party Defendant Builders FirstSource Southeast Group, LLC
a/k/a Builders FirstSource, Inc.***

N. Keith Emge, Jr., Esquire
Jessica W. Stratta, Esquire
Resnick & Louis, P.C.
146 Fairchild Street, Suite 130
Charleston, SC 29492 cemge@rlattorneys.com jstratta@rlattorneys.com
vmyers@rlattorneys.com
mjustman@rlattorneys.com

***Attorneys for Third-Party Defendant Builder Services Group, LLC
f/k/a Masco Contractor Services Central, Inc. f/k/a Gale Industries, Inc.
d/b/a Gale Contractor Services***

Michael L. Leech, Esquire
Clawson & Staubes, LLC
126 Seven Farms Drive, Suite 200
Charleston, SC 29492-8144
mleech@clawsonandstaubes.com
twalker@clawsonandstaubes.com

and

Allen L. DuPre, Esquire

Lyles & Associates
1037 Chuck Dawley Blvd.
Mount Pleasant, SC 29464
ald@lylesfirm.com
ebr@lylesfirm.com

Attorneys for Third-Party Defendant Cannady Siding & Gutter, Inc.

C. Reed Teague, Esquire
The Ward Law Firm, PA
233 S. Pine Street (29302)
P.O. Box 5663
Spartanburg, SC 29304
rteague@wardfirm.com
asmith@wardfirm.com
afine@wardfirm.com

***Attorney for Third-Party Defendants Caryl Mechanicals II, Inc.
a/k/a Caryl Mechanicals, Inc.***

Shelley S. Montague, Esquire
Eleanor L. Jones, Esquire
Johnston Cox, Esquire
Gallivan, White & Boyd, P.A.
1201 Main Street, Suite 1200 (29201)
P.O. Box 7368
Columbia, SC 29202
smontaguel@gwblawfirm.com
jcox@gwblawfirm.com
ejones@gwblawfirm.com
ljones@gwblawfirm.com
jcobb@gwblawfirm.com

Attorneys for Third-Party Defendant CBU Enterprises, Inc.

Stephen P. Hughes, Esquire
William H. Cox, III, Esquire
Howell, Gibson & Hughes, P.A.
P.O. Box 40
Beaufort, SC 29901-0040 sphughes@hgpha.com
wcox@hgpha.com
radkins@hgpha.com
kwillis@hgpha.com
scombites@hgpha.com

Attorneys for Third-Party Defendant Coleman Floor, LLC

Eric R. Tonnsen, Esquire

Elizabeth A. Moore, Esquire
Eller Tonnsen Bach, LLC
1306 S. Church Street
Greenville, SC 29605
etonnsen@etblawfirm.com
lmoore@etblawfirm.com
emiller@etblawfirm.com

Attorneys for Third-Party Defendant Cortes Painting, LLC

Caroline M. Gieser, Esquire
Shook, Hardy & Bacon, LLP
1230 Peachtree Street, Suite 1200
Atlanta, GA 30309
ccieser@shb.com

Attorney for Third-Party Defendant CPI Security Systems, Inc.

Jacqueline Dixon Phillips, Esquire Theodore Parker, III, Esquire
Parker Nelson & Associates
211 King Street, Suite 202
Charleston, SC 29401
jdixon@pnalaw.net
tparker@pnalaw.net

Attorney for Third-Party Defendant Ferguson Enterprises, Inc.

Sonaly Hendricks, Esquire
Danny Lynch, Esquire
Pierce Sloan Kennedy & Early, LLC
The Blake-Grimké House
321 East Bay Street (29401)
P.O. Box 22437
Charleston, SC 29413-2437
sonalyhendricks@piercesloan.com
daniellynch@piercesloan.com
sherrymanning@piercesloan.com
lindsaygrady@piercesloan.com

Attorneys for Third-Party Defendant Five Star Construction, Inc.

F. Heyward Grimball, Esquire
Richardson, Plowden & Robinson, P.A.
235 Magrath Darby Blvd., Ste. 100
Mount Pleasant, SC 29464
fhgrimball@richardsonplowden.com
eseelig@richardsonplowden.com

Attorney for Third-Party Defendant Five Star Foundations, LLC

Jeffrey A. Ross, Esquire
Philip P. Cristaldi, III, Esquire
Ross & Cristaldi, LLC
863 Coleman Blvd., Suite B
Mt. Pleasant, SC 29464

jross@rclawsc.com

pristaldi@rclawsc.com

esheets@rclawsc.com

bmyers@rclawsc.com

ewelk@rclawsc.com

imyers@rclawsc.com

kbarnes@rclawsc.com

***Attorneys for Third-Party Defendants Galloway-Bell, Inc.
a/k/a Galloway-Bell, Inc. II***

W. Duffie Powers, Esq.
Gallivan, White & Boyd, P.A.
55 Beattie Place, Ste. 1200
Greenville, SC 29301

dpowers@gwblawfirm.com

***Attorneys for GBS Building Supply, Inc.- US LBM, LLC
f/k/a GBS Building Supply, Inc.***

David W. Holmes, Esquire
Holmes Law Firm
712 North Main Street
Greenville, SC 29609

davidholmes@holmes-law.com

Attorney Third-Party Defendant General Shale Brick, Inc.

Everett A. Kendall, II, Esquire
Jordan Davis, Esquire
Scott W. Giblin, Esquire
Murphy & Grantland, P.A.
4406-B Forest Drive
Columbia, SC 29206

rkendall@murphygrantland.com

icdavis@murphygrantland.com

sgiblin@murphygrantland.com

mtaylor@murphygrantland.com

mtinsley@murphygrantland.com

***Attorneys for Third-Party Defendants Installed Building Products, LLC
a/k/a Installed Building Products II, LLC; and IBP Asset, LLC
d/b/a Blue Ridge Building Products, LLC***

Blinn Lawrence Cushman, Esquire
Elizabeth Ann Martineau, Esquire
Lee Thomas, Esquire
Martineau King
8701 Red Oak Blvd., Ste. 100
Charlotte, NC 28217
bcushman@martineauking.com
emartineau@martineauking.com
lthomas@martineauking.com
mpitts@martineauking.com

Attorneys for Third-Party Defendants JLS Masonry, Inc.

W. Duffie Powers, Esquire
Carter Massingill, Esquire
Gallivan, White & Boyd, P.A.
55 Beattie Place, Ste. 1200
Greenville, SC 29301
dpowers@gwblawfirm.com
cmassingill@gwblawfirm.com
ebehymmer@gwblawfirm.com

Attorneys for Third-Party Defendant Kings Landscaping, LLC

R. Trippett Boineau, III, Esquire
George C. James, III, Esquire
McAngus Gouelock & Courie, LLC
1320 Main Street, 10th Floor (29201)
P.O. Box 12519
Columbia, SC 29211
trippett.boineaurwmgclaw.com
george.jarnes@mgclaw.com
liz.davison@mgclaw.com
mrutland@mgclaw.com

Attorneys for Third-Party Defendant L&M Electric

Steven L. Smith, Esquire
Smith, Closser & Wheeler, PA
7455 Cross Country Road, Suite 1 (29418)
P.O. Box 40578
Charleston, SC 29423
ssmith@scnlaw.com
apittman@scnlaw.com

Attorney for Third-Party Defendant Lade-Danlar, Inc.

S. Markey Stubbs, Esquire
JC Davis, Esquire
Baker Ravenel Bender

P.O. Box 8057
Columbia, SC 29202
mstubbs@brblegal.com
jdavis@brblegal.com
jowens@brblegal.com
Attorney for Third-Party Defendant Landshapers, LLC

Heath M. Stewart, III, Esquire
Michael Trask, Esquire
McAngus Goudelock & Courie, LLC
1320 Main Street
Meridian, 10th Floor
Columbia, SC 29201
heath.stewart@mgclaw.com
Michael.trask@mgclaw.com
Chloe.Romanstine@mgclaw.com
jessica.coleman@mgclaw.com
Attorney for Third-Party Defendant Long Heating & Air Conditioning, Inc.

Wesley Dickinson Peel, Esquire
J. Cole Hancock, Esquire
Bruner Powell Wall & Mullins, LLC
1735 St. Julian Place, Suite 200
Columbia, SC 29204
wpeel@brunerpowell.com
jcolehancock@brunerpowell.com
***Attorney for Third-Party Defendant M&L General Construction, LLC
a/k/a M&L General Construction, Inc.***

Kevin W. Mims, Esquire
Whit Perrin, Esquire
Rachel N. Stewart, Esquire
Luzuriaga Mims, LLP
1156 King Street
Charleston, SC 29403
kmims@lmlawllp.com
wperrin@lmlawllp.com
rstewart@lmlawllp.com
tjames@lmlawllp.com
lmsupport@lmlawllp.com
Attorneys for Third-Party Defendant M&L Reyna Construction, LLC

Jeffrey A. Ross, Esquire
Philip P. Cristaldi, III, Esquire
Ross & Cristaldi, LLC

863 Coleman Blvd., Suite B
Mt. Pleasant, SC 29464

jross@rclawsc.com

pristaldi@rclawsc.com

esheets@rclawsc.com

bmyers@rclawsc.com

ewelk@rclawsc.com

imyers@rclawsc.com

kbarnes@rclawsc.com

Attorneys for Third-Party Defendant M&M Foundations, LLC

F. Heyward Grimball, Esquire
Richardson, Plowden & Robinson, PA
235 MaGrath Darby Blvd., Suite 100
Mt. Pleasant, SC 29464

fhgrimball@richardsonplowden.com

eseelig@richardsonplowden.com

mjustman@richardsonplowden.com

cgourdine@richardsonplowden.com

penright@richardsonplowden.com

Attorneys for Third-Party Defendant Manale Landscaping, LLC

Blinn Lawrence Cushman, Esquire
Elizabeth Ann Martineau, Esquire
Lee Thomas, Esquire
Martineau King
8701 Red Oak Blvd., Ste. 100
Charlotte, NC 28217

bcushman@martineauking.com

emartineau@martineauking.com

lthomas@martineauking.com

mpitts@martineauking.com

Attorneys for Third-Party Defendant MJ Cowboys, LLC

R. Trippett Boineau, III, Esquire
George C. James, III, Esquire
McAngus Gouelock & Courie, LLC
1320 Main Street, 10th Floor (29201)
P.O. Box 12519
Columbia, SC 29211

trippett.boineaurwmgclaw.com

george.jarnes@mgclaw.com

liz.davison@mgclaw.com

mrutland@mgclaw.com

Attorneys for Third-Party Defendant Nazareth Builders, LLC

Jillian Barton, Esquire
Dunn Hollingsworth, Esquire
Robertson, Hollingsworth, Manos & Rahn
550 King Street, Ste. 300
Charleston, SC 29403
jsb@roblaw.net
ddh@roblaw.net

Attorneys for Third-Party Defendant NB Contractors, LLC

Alan R. Belcher, Jr., Esquire
Connor E. Johnson, Esquire
Hall Booth Smith, P.C.
111 Coleman Blvd., Suite 301
Mt. Pleasant, SC 29464
abelcher@hallboothsmith.com
cjohnson@hallboothsmith.com
sfischer@hallboothsmith.com

***Attorneys for Third-Party Defendant P&T Construction, Inc.
a/k/a P&T Construction, Inc.***

Jeffrey A. Ross, Esquire
Philip P. Cristaldi, III, Esquire
Ross & Cristaldi, LLC
863 Coleman Blvd., Suite B
Mt. Pleasant, SC 29464
jross@rclawsc.com
pristaldi@rclawsc.com
esheets@rclawsc.com
bmyers@rclawsc.com
ewelk@rclawsc.com
imyers@rclawsc.com
kbarnes@rclawsc.com

Attorneys for Third-Party Defendant P&L Enterprises, LLC

Stephen P. Hughes, Esquire
William H. Cox, III, Esquire
Howell, Gibson & Hughes, P.A.
P.O. Box 40
Beaufort, SC 29901-0040
sphughes@hgpha.com
wcox@hgpha.com
radkins@hgpha.com
kwillis@hgpha.com
scombites@hgpha.com

***Attorneys for Third-Party Defendant ProBuild Company, LLC
a/k/a ProBuild Holdings, Inc.***

Charles O. Williams, III, Esquire
McAngus Goudelock & Courier, LLC
55 E. Camperdown Way, Ste 300 (29601)
P.O. Box 2980
Greenville, SC 29602
cwilliams@mgclaw.com
melinda.owens@mgclaw.com
***Attorney for Third-Party Defendant Rite Rug Company, Inc.
a/k/a Rite Rug Co.***

William W. Watkins, Jr., Esquire
Olivia A. Matte, Esquire
Wall Templeton & Haldrup, P.A.
145 King Street, Suite 300 (29401)
P.O. Box 1200
Charleston, SC 29402
Trey.watkins@walltempleton.com
Olivia.rmatte@walltempleton.com
Christie.howell@walltempleton.com
Sarah.Schrodetzki@WallTempleton.com
***Attorneys for Third-Party Defendant Rodney Howard Grading, Inc.
a/k/a Rodney Howard Grading Co.***

Anne R. Culbreath, Esquire
Andrew N. Price, Esquire
325 Rocky Slope Road, Suite 201
Greenville, SC 29607
arculbreath@wjcblaw.com
aprice@wjcblaw.com
Attorney for Third-Party Defendant Sandlapper Concrete, LLC

Kirby D. Shealy, III, Esquire
Luke Allen, Esquire
Adams and Reese, LLP
1501 Main Street, 5th Floor
Columbia, SC 29201
kirby.shealy@arlaw.com
luke.allen@arlaw.com
monica.gende@arlaw.com
Attorneys for Third-Party Defendant Silver Line Building Products Corporation

Jeffrey A. Ross, Esquire
Philip P. Cristaldi, III, Esquire
Ross & Cristaldi, LLC
863 Coleman Blvd., Suite B

Mt. Pleasant, SC 29464

jross@rclawsc.com

pristaldi@rclawsc.com

esheets@rclawsc.com

bmyers@rclawsc.com

ewelk@rclawsc.com

imyers@rclawsc.com

kbarnes@rclawsc.com

Attorneys for Third-Party Defendants Sodfather, Inc. Landscape Contractors

N. Keith Emge, Jr., Esquire

Jessica W. Stratta, Esquire

Resnick & Louis, P.C.

146 Fairchild Street, Suite 130

Charleston, SC 29492

cemge@rlattorneys.com

jstratta@rlattorneys.com

vmyers@rlattorneys.com

mjustman@rlattorneys.com

Attorneys for Third-Party Defendant TopBuild Home Services, Inc.

W. Duffie Powers, Esq.

Gallivan, White & Boyd, P.A.

55 Beattie Place, Ste. 1200

Greenville, SC 29301

dpowers@gwblawfirm.com

Attorneys for Tucker Materials, Inc. a/k/a Gypsum

Jeffrey A. Ross, Esquire

Philip P. Cristaldi, III, Esquire

Ross & Cristaldi, LLC

863 Coleman Blvd., Suite B

Mt. Pleasant, SC 29464

jross@rclawsc.com

pristaldi@rclawsc.com

esheets@rclawsc.com

bmyers@rclawsc.com

ewelk@rclawsc.com

imyers@rclawsc.com

kbarnes@rclawsc.com

Attorneys for Third-Party Defendant Willow Tree Landscaping, Inc.

Clark W. DuBose, Esquire

Alexander G. Mende, Esquire

Haynesworth Sinkler Boyd

1201 Main Street, 22nd Floor

Columbia, SC 29201-3226
cdubose@hsblawfirm.com
amende@hsblawfirm.com
bvaldes@hsblawfirm.com
agraham@hsblawfirm.com
cgarner@hsblawfirm.com

and

R. Batten Farrar, Esquire
R. Bryan Barnes, Esquire
Rogers Townsend
401 North Main Street, Ste. 100
Greenville, SC 29601
Batten.farrar@rogerstownsends.com
bryan.barnes@rogerstownsends.com
joanne.allen@rogerstownsends.com
Attorneys for Fourth-Party Defendant Aaron D. Peris

Christopher M. Adams, Esquire
James L. Williams, Esquire
Collins & Lacy, P.C.
P.O. Box 12487
Columbia, SC 29211
cadams@collinsandlacy.com
jwilliams@collinsandlacy.com
***Attorney for Fourth-Party Defendants Antonio Flooring, LLC
and Bryan's Flooring Services, LLC***

John D. Harjehausen, Esquire
James P. Walsh, Esquire
Clarkson, Walsh & Coulter, P.A.
1164A Woodruff Road
Greenville, SC 20607
jharjehausen@clarksonwalsh.com
jwalsh@clarksonwalsh.com
chumberger@clarksonwalsh.com
***Attorneys for Fourth-Party Defendant Carlos Humberto Landaverry
d/b/a Landaverry Flooring***

Ron Tate, Esquire
Lee Nanney, Esquire
Gallivan, White & Boyd P.A.
P.O. Box 10589 (29603)
55 Beattie Place, Suite 1200

Greenville, SC 29601
rtate@gwblawfirm.com
lnanney@gwblawfirm.com
ebehymmer@gwblawfirm.com
kpetersoli@gwblawfirm.com
***Attorneys for Fourth-Party Defendant Carolina Hernandez
d/b/a Josue's Flooring, LLC***

Robert D. Moseley, Jr., Esquire
Gerald Thomas Chase, Esquire
D. Lesesne Phillips, Esquire
Moseley Marcinak Law Group, LLP
4324 Wade Hampton Blvd., Ste. B
P.O. Box 26148
Greenville, SC 29687
Rob.moseley@momarlaw.com
Tom.chase@momarlaw.com
Lesesne.phillips@momarlaw.com
Attorneys for Fourth-Party Defendant Enriquez Floors, LLC

Bonum S. Wilson, Esquire
Brandon T. Reeser, Esquire
Wilson, Heyward & Reeser, LLC
924 Folly Road (29412)
P.O. Box 13177
Charleston, SC 29322
bwilson@wilsonheyward.com
breeser@wilsonheyward.com
loncil@wilsonheyward.com
***Attorneys for Fourth-Party Defendants Fredy Perez,
Individually and d/b/a Fredy's HVAC***

Robert D. Moseley, Jr., Esquire
Gerald Thomas Chase, Esquire
D. Lesesne Phillips, Esquire
Moseley Marcinak Law Group, LLP
4324 Wade Hampton Blvd., Ste. B
P.O. Box 26148
Greenville, SC 29687
Rob.moseley@momarlaw.com
Tom.chase@momarlaw.com
Lesesne.phillips@momarlaw.com
Attorneys for Fourth-Party Defendant Garcia's Carpet, Inc.

Glenn Elliott, Esquire
Aiken Bridges Elliott Tyler & Saleeby, PA
181 East Evans Street, Suite 409 (29506)
P.O. Box 1931 (29503)
Florence, South Carolina
ege@aikenbridges.com
slh@aikenbridges.com
clf@aikenbridges.com
Attorney for Fourth-Party Defendant Geovany Liva

John Elliott Rogers, II, Esquire
T. Jonathan Clark, Esquire
The Ward Law Firm, P.A.
233 South Pine Street
Spartanburg, SC 29302 jrogers@wardfirm.com
jclark@wardfirm.com
kparham@wardfirm.com
ssantana@wardfirm.com

and

Caroline Kathryn Hicks, Esq.
Robert T. Lyles, Jr., Esq.
Lyles & Associates, LLC
1037 Chuck Dawley Blvd., Ste. G-100
Mount Pleasant, SC 29464
rtl@lylesfirm.com
ckh@lylesfirm.com
sms@lylesfirm.com
Attorneys for Fourth-Party Defendant Harrelson Painting, LLC
W. McElhaney White, Esquire
Holcombe Bomar, P.A.
P.O. Box 1897
Spartanburg, SC 29304
mwhite@holcombebomar.com
lcopeland@holcombebomar.com
Attorney for Fourth-Party Defendant Hector Flooring, Inc.

Bonum S. Wilson, Esquire
Brandon T. Reeser, Esquire
Wilson, Heyward & Reeser, LLC
924 Folly Road (29412)
P.O. Box 13177
Charleston, SC 29322
bwilson@wilsonheyward.com
breeser@wilsonheyward.com
loneil@wilsonheyward.com

Attorneys for Fourth-Party Defendant Henry Construction, LLC

Kristian M. Cross, Esquire
Thomas Pritchard, Esquire
Vernis & Bowling of Columbia, LLC
2711 Middleburg Drive, Suite 216
Columbia, SC 29204
KCross@SCarolina-Law.com
rberlin@scarolina-law.com
tpritchard@scarolina-law.com

and

James Merritt, Jr., Esquire
Cody McCollum, Esquire
30 Perimeter Park Drive, Ste. 200
Atlanta, GA 30341
jmerritt@georgia-law.com
cmccollum@georgia-law.com
rberlin@scarolina-law.com

Attorneys for Fourth-Party Defendant Huttig Building Products

John D. Harjehausen, Esquire
James P. Walsh, Esquire
Clarkson, Walsh & Coulter, P.A.
1164A Woodruff Road
Greenville, SC 20607
jharjehausen@clarksonwalsh.com
jwalsh@clarksonwalsh.com
chumberger@clarksonwalsh.com

Attorneys for Fourth-Party Defendant Jesus Perez

Stacey P. Canaday, Esquire
Tupper, Grimsley, Dean & Canaday
611 Bay Street
Beaufort, SC 29902 staceycanaday@tgdcpa.com
Morgan.reeves@tgdcpa.com

***Attorney for Fourth-Party Defendants Jimenez Contractors, LLC,
Juan Jimenez a/k/a Juan Rene Jimenez a/k/a Rene Jimenez Bonilla,
Individually and d/b/a Jimenez Contractors, Inc.***

L. Darby Plexico, Esquire
Brown & Brehmer
1720 Main Street, Suite 201
P.O. Box 7966
Columbia, SC 29202

ldp@brownandbrehmer.com

lw@brownandbrehmer.com

Attorneys for Fourth-Party Defendant Nataren Contractors, LLC

John D. Harjehausen, Esquire

James P. Walsh, Esquire

Clarkson, Walsh & Coulter, P.A.

1164A Woodruff Road

Greenville, SC 20607

jharjehausen@clarksonwalsh.com

jwalsh@clarksonwalsh.com

chumberger@clarksonwalsh.com

Attorneys for Fourth-Party Defendant Ngan My Giang d/b/a Landaverry Flooring

Mark S. Barrow, Esquire

Christy E. Mahon, Esquire

Sweeny, Wingate & Barrow, P.A.

P.O. Box 12129

Columbia, SC 29211

msb@swblaw.com

cem@swblaw.com

mha@swblaw.com

Attorneys for Fourth-Party Defendant Nicholas Soto a/k/a Nicholas Soto, Individually and d/b/a Soto HVAC

Clark W. DuBose, Esquire

Alexander G. Mende, Esquire

Haynesworth Sinkler Boyd

1201 Main Street, 22nd Floor

Columbia, SC 29201-3226

cdubose@hsblawfirm.com

amende@hsblawfirm.com

bvaldes@hsblawfirm.com

agraham@hsblawfirm.com

cgarner@hsblawfirm.com

and

R. Batten Farrar, Esquire

R. Bryan Barnes, Esquire

Rogers Townsend

401 North Main Street, Ste. 100

Greenville, SC 29601

Batten.farrar@rogerstownsends.com

bryan.barnes@rogerstownsends.com

joanne.allen@rogerstownsends.com

***Attorneys for Fourth-Party Defendant Panuncio Victoriano Martinez,
Individually and d/b/a Victoriano HVAC, LLC***

Bonum S. Wilson, III, Esquire
Brandon T. Reeser, Esquire
Wilson Heyward & Reeser, LLC
P.O. Box 13177
Charleston, SC 29422
bwilson@wilsonheyward.com
breeser@wilsonheyward.com

Attorneys for Fourth-Party Defendant Saguary Flooring, LLC

William Ansel Collins, Jr.
Michal Kalwajtys
Baker Ravenel @ Bender, LLP
3710 Landmark Drive Suite 400
Columbia SC 29204
mkalwajtys@brblegal.com
wcollins@brblegal.com

Attorneys for Fourth-Party Defendant Scorpio Title & Glassworks, Inc.

Brian E. Wolfe, Esquire
Wolfe, Campbell, Gunst & Hinson, PLLC
215 Queens Road, Suite 200
Charlotte, NC 29204
bwolfe@wolfe-campbell.com
aschieber@wolfe-campbell.com
bchapman@wolfe-campbell.com

Attorney for Fourth-Party Defendant SL Commercial Construction, Inc.

Brandon P. Jones, Esquire
Jacob A. Flowers, Esquire
The McKay Firm
3700 Forest Drive, Suite 404 (29204)
P.O. Box 7217
Columbia, SC 29202
bjones@mckayfirm.com
jflowers@mckayfirm.com

Attorneys for Fourth-Party Defendant Therma-Tru Ltd

Anne R. Culbreath, Esquire
Willson Jones Carter & Baxley
325 Rocky Slope Road, Suite 201
Greenville, SC 29607
arculbreath@wjcblaw.com
bmhayes@wjcblaw.com

Attorney for Fourth-Party Defendant Vinny's Perfection Flooring, LLC

Phillip E. Reeves, Esquire

Gallivan White Boyd

55 Beattie Place, Suite 1200 (29601)

P.O. Box 10589

Greenville, SC 29603 preeves@gwblawfirm.com

Attorney for Fourth-Party Defendant Zenon Guitierrez Antunez

EXHIBIT 1

Kelly Nix

From: Kelly Nix
Sent: Friday, September 1, 2023 8:08 AM
To: rssprouselc@sccourts.org; rssprouesc@sccourts.org
Cc: "Mac" W. McElhaney White; A. Merrit; A. Merritt; Alan Belcher; ald@lylesfirm.com; Alex Fine; Alex Mende; alisha.burns@mgclaw.com; Allen Graham; Allison Burns; Amanda Black; Amelia Conte; Amy Schieber; Amy Smith; Annette Mixon; anprice@wjcblaw.com; B. Wilson; Battan Farrar; becky Jetzke; Beth Valdes; Beverly Mitton; Blinn Lawrence Cushman (bcushman@martineauking.com); bmyers@rclawsc.com; Bo Williams; Bonum S. Wilson, III; Brandi Chapman; Brandon Adams; Brandon Jones; Brandon Reeser; Brian Wolfe; Bryan Barnes; C. Johnson; C. Williams; Cara Smith; Caroline Hicks; Cathy Humberger; cemge@rlattorneys.com; Charlotte Winckler; Chip Collins; Chloe Romanstine; Christopher Adams; Christopher D. Scalzo (cscalzo@turnerpadget.com); Christy E. Mahon, Esq.; Clark Dubose; cmassingill@gwblawfirm.com; Connie Richardson; D. Lesesne Phillips; Dabny Lynn; Dani Knecht; Daniel Hutchinson; Danielle Lynch; Danielle Wegener; David Cobb; David Paavola; Dean Best; Duffie Powers; Dunn Hollingsworth; E. Sheets; Ed Buckley; Elizabeth Castle; Ellen Behymer; emartineau@martineauking.com; Emily Seelig; Erica Rehorn; Evan Carter; Fernando Diaz; Gaye W. DuPre; George James; Gerald Thomas Chase; heath.stewart@mgclaw.com; Heather Hagen; Heidi Shellenbach; Heyward Grimboll; Isabella Myers; J. Harjehausen; Jaime Hiott; James Bryson; James L. Williams; Jason Imhoff; Jay Smith; JC Davis; Jeannie Cobb; Jessica Stratta; Jillian Barton; Joanne Allen; John Crawford; Jonathan Clark; Josh Duncan; JRogers@wardfirm.com; jross@rclawsc.com; Julius Hines; Justin Lucey; K. Johnson; Karl Brehmer; Katelyn Durham; Kathryn Harden; Kathryn Harden; Katie Walker; Kerith Branham; Kevin Mims; Kim Pedersoli; Kim Wooten; Kirby D. Shealy, III; kparham@wardfirm.com; L. Darby Plexico; Lauren Wilkinson; Lee Nanney; Lee Thomas; Lindsay Workman; Lindsey Jones; Liz Davidson; lmsupport@lmlawllp.com; Logan Player-Anderson; Lori Copeland; Luke Allen; Lynn O'Neil; M. Leech; M. Taylor; Mandee Funai; Mandy Carrigan; Marybeth Pitts; Matt Quattlebaum ; MHA (mha@swblaw.com); Michael L. Leech; Michael Trask (michael.trask@mgclaw.com); Michal Kalwajtys; Michelle Justman; Mike McCusker; Miriam Tinsley; Monica Gende; MR Reeves@RichardsonPlowden.com; mstubbs@brblegal.com; Myra Rutland; Nayely Valenciano; Nick Rivera; Olivia Mann; Olivia Matte; Paige Enright; Pamela Sandford; Paul Talbot; pcrystaldi@rclawsc.com; Phil Reeves; Phillip S. Ferderigos; R. Kendall; Rachael Bernard; Rachel Adkins; Rachel Pruzin; Rachel Stewart; Rebecca Gray; Reed Teague; Richelle Campbell; Robert D. Moseley, Jr; Robert Dennis; Robert Lyles; Ron Tate; Russell Racine; Ryan Gilsean; Sarah Schrodetzki; Schuyler Bethell; Scott Giblin; Shanna Stephens; Shannon O'Reilly; Shelley Montague; Shellie Fisher; Sherry Santana; sherrymanning@piercesloan.com; sonalyhendricks@piercesloan.com; sphughes@hgpha.com; Stacey P. Canaday; Stefan Graff; Stephanie Ayers; Stephanie Combites; Sydney Hardwick; Tammie Aycock; Tarsha M. Jefferson; Terri James; Thomas B. Pritchard; Townes Johnson; Trey.Watkins@WallTempleton.com; Trippett Boineau; 'twalker@clawsonandstaubes.com'; Valerie Inabinet; watkins.support@walltempleton.com; Whidbee S. Perris; Witt Cox; kay@carlmullerlaw.com; Carl Muller; Vikki Wulf; Stephanie Simpson
Subject: RE: Zitek v. D.R. Horton, Inc., et al.
Attachments: Notice of Appeal Revised.pdf

Your Honor and Counsel,

Please find attached an updated Notice of Appeal, which we are filing this morning, on behalf of DR Horton, Inc. related to the following Orders:

- Certification and Decertification of the Class;
- Orders limiting discovery;
- Trial Order;
- Bifurcation; and
- Order Granting IBP and Gale's Motion for Summary Judgment.

With kindest regards,



Kelly Nix

Paralegal

KENISON, DUDLEY & CRAWFORD, LLC

704 East McBee Avenue

Greenville, SC 29601

Email: nix@conlaw.com

Direct Dial: (864) 501-2571

Main: (864) 242-4899

Website: www.conlaw.com

This email contains information that may be confidential and/or privileged. If you are not the intended recipient, or the employee or agent authorized to receive for the intended recipient, you may not copy, disclose or use any contents in this email. If you have received this email in error, please immediately notify the sender at Kenison, Dudley & Crawford, LLC by replying to this email and delete the original and reply emails. Thank you.

From: Stephanie Simpson <simpson@conlaw.com>

Sent: Thursday, August 31, 2023 3:03 PM

To: rssprouselc@sccourts.org; rssprouesc@sccourts.org

Cc: "Mac" W. McElhaney White <mwhite@holcombebomar.com>; A. Merrit <amerrit@arlawsc.com>; A. Merritt <amerritt@arlawsc.com>; Alan Belcher <abelcher@hallboothsmith.com>; ald@lylesfirm.com; Alex Fine <afine@wardfirm.com>; Alex Mende <amende@hsblawfirm.com>; alisha.burns@mgclaw.com; Allen Graham <agraham@hsblawfirm.com>; Allison Burns <aburns@barnwell-whaley.com>; Amanda Black <amanda.black@momarlaw.com>; Amelia Conte <ameliaconte@tgdcpa.com>; Amy Schieber <aschieber@wolfe-campbell.com>; Amy Smith <asmith@wardfirm.com>; Annette Mixon <amixson@lucey-law.com>; anprice@wjcbllaw.com; B. Wilson <bawilson@murphygrantland.com>; Battan Farrar <Batten.farrar@rogerstownsends.com>; becky Jetzke <bjetzke@mckayfirm.com>; Beth Valdes <bvaldes@hsblawfirm.com>; Beverly Mitton <bmitton@barnwell-whaley.com>; Blinn Lawrence Cushman (bcushman@martineauking.com) <bcushman@martineauking.com>; bmyers@rclawsc.com; Bo Williams <cwilliams@mgclaw.com>; Bonum S. Wilson, III <bwilson@wilsonheyward.com>; Brandi Chapman <bchapman@wolfe-campbell.com>; Brandon Adams <badams@richardsonplowden.com>; Brandon Jones <bjones@mckayfirm.com>; Brandon Reeser <breeser@wilsonheyward.com>; Brian Wolfe <bwolfe@wolfe-campbell.com>; Bryan Barnes <bryan.barnes@rogerstownsends.com>; C. Johnson <cjohnson@hallboothsmith.com>; C. Williams <cwilliams@gwblawfirm.com>; Cara Smith <smith@conlaw.com>; Caroline Hicks <ckh@lylesfirm.com>; Cathy Humberger <chumberger@clarksonwalsh.com>; cemge@rlattorneys.com; Charlotte Winckler <cwinckler@lucey-law.com>; Chip Collins <wcollins@brblegal.com>; Chloe Romanstine <chloe.romanstine@mgclaw.com>; Christopher Adams <cadams@collinsandlacy.com>; Christopher D. Scalzo (cscalzo@turnerpadget.com) <cscalzo@turnerpadget.com>; Christy E. Mahon, Esq. <cem@swblaw.com>; Clark Dubose <cdubose@hsblawfirm.com>; cmassingill@gwblawfirm.com; Connie Richardson <cwells@mgclaw.com>; D. Lesesne Phillips <Lesesne.phillips@momarlaw.com>; Dabny Lynn <dlynn@lucey-law.com>; Dani Knecht <dani@bestlawsc.com>; Daniel Hutchinson <dhutchinson@rclawsc.com>; Danielle Lynch <daniellynch@piercesloan.com>; Danielle Wegener

<dwegener@arslawsc.com>; David Cobb <dcobb@turnerpadget.com>; David Paavola <paavola@conlaw.com>; Dean Best <dean@bestlawsc.com>; Duffie Powers <dpowers@gwblawfirm.com>; Dunn Hollingsworth <ddh@roblaw.net>; E. Sheets <esheets@rclawsc.com>; Ed Buckley <ebuckley@yclaw.com>; Elizabeth Castle <libby.castle@roblaw.net>; Ellen Behymer <ebehymer@gwblawfirm.com>; emartineau@martineauking.com; Emily Seelig <ESeelig@richardsonplowden.com>; Erica Rehorn <ebr@lylesfirm.com>; Evan Carter <ecarter@richardsonplowden.com>; Fernando Diaz <fdiaz@mckayfirm.com>; Gaye W. DuPre <gdupre@barnwell-whaley.com>; George James <George.james@mgclaw.com>; Gerald Thomas Chase <Tom.chase@momarlaw.com>; heath.stewart@mgclaw.com; Heather Hagen <HHagen@TurnerPadget.com>; Heidi Shellenbach <hks@lylesfirm.com>; Heyward Grimboll <FHGrimball@RichardsonPlowden.com>; Isabella Myers <imyers@rclawsc.com>; J. Harjehausen <jharjehausen@clarksonwalsh.com>; Jaime Hiott <jhiott@yclaw.com>; James Bryson <jbryson@ethridgelawgroup.com>; James L. Williams <jwilliams@collinsandlacy.com>; Jason Imhoff <jimhoff@conlaw.com>; Jay Smith <smith@hinesandgilsenan.com>; JC Davis <jdavis@brblegal.com>; Jeannie Cobb <jcobb@gwblawfirm.com>; Jessica Stratta <jstratta@rlattorneys.com>; Jillian Barton <jsb@roblaw.net>; Joanne Allen <joanne.allen@rogerstownsends.com>; John Crawford <crawford@conlaw.com>; Jonathan Clark <jclark@wardfirm.com>; Josh Duncan <jduncan@ethridgelawgroup.com>; JRogers@wardfirm.com; jross@rclawsc.com; Julius Hines <hines@hinesandgilsenan.com>; Justin Lucey <jlucey@lucey-law.com>; K. Johnson <kjohnson@gwblawfirm.com>; Karl Brehmer <ksb@brownandbrehmer.com>; Katelyn Durham <kdurham@gwblawfirm.com>; Kathryn Harden <harden@conlaw.com>; Kathryn Harden <harden@conlaw.com>; Katie Walker <kwalker@ethridgelawgroup.com>; Kelly Nix <nix@conlaw.com>; Kerith Branham <kbranham@turnerpadget.com>; Kevin Mims <kmims@lmlawllp.com>; Kim Pedersoli <kpedersoli@gwblawfirm.com>; Kim Wooten <wooten@conlaw.com>; Kirby D. Shealy, III <kirby.shealy@arlaw.com>; kparham@wardfirm.com; L. Darby Plexico <ldp@brownandbrehmer.com>; Lauren Wilkinson <lw@brownandbrehmer.com>; Lee Nanney <lnanney@gwblawfirm.com>; Lee Thomas <lthomas@martineauking.com>; Lindsay Workman <lindsaygrady@piercesloan.com>; Lindsey Jones <ljones@gwblawfirm.com>; Liz Davidson <liz.davison@mgclaw.com>; lmsupport@lmlawllp.com; Logan Player-Anderson <Logan.PlayerAnderson@mgclaw.com>; Lori Copeland <lcopeland@holcombebomar.com>; Luke Allen <luke.allen@arlaw.com>; Lynn O'Neil <loneil@wilsonheyward.com>; M. Leech <mleech@clawsonandstaubes.com>; M. Taylor <mtaylor@murphygrantland.com>; Mande Funai <mfunai@lucey-law.com>; Mandy Carrigan <acarrigan@cshlaw.com>; Marybeth Pitts <mpitts@martineauking.com>; Matt Quattlebaum <mquattlebaum@clarksonwalsh.com>; MHA (mha@swblaw.com) <mha@swblaw.com>; Michael L. Leech <mleech@cslaw.com>; Michael Trask (michael.trask@mgclaw.com) <michael.trask@mgclaw.com>; Michal Kalwajtys <mkalwajtys@brblegal.com>; Michelle Justman <mjustman@rlattorneys.com>; Mike McCusker <mmccusker@scarolina-law.com>; Miriam Tinsley <mtinsley@murphygrantland.com>; Monica Gende <monica.gende@arlaw.com>; MReeves@RichardsonPlowden.com; mstubbbs@brblegal.com; Myra Rutland <mrutland@mgclaw.com>; Nayely Valenciano <valenciano@conlaw.com>; Nick Rivera <nrivera@yclaw.com>; Olivia Mann <olivia.mann@momarlaw.com>; Olivia Matte <olivia.matte@walltempleton.com>; Paige Enright <penright@richardsonplowden.com>; Pamela Sandford <psandford@hallboothsmith.com>; Paul Talbot <prt@swblaw.com>; pcristaldi@rclawsc.com; Phil Reeves <preeves@gwblawfirm.com>; Phillip S. Ferderigos <pferderigos@barnwell-whaley.com>; R. Kendall <rkendall@murphygrantland.com>; Rachael Bernard <rbernard@cshlaw.com>; Rachel Adkins <RADkins@hgpha.com>; Rachel Pruzin <rpruzin@ethridgelawgroup.com>; Rachel Stewart <rstewart@lmlawllp.com>; Rebecca Gray <rgray@arlawsc.com>; Reed Teague <rteague@wardfirm.com>; Richelle Campbell <rcampbell@collinsandlacy.com>; Robert D. Moseley, Jr <Rob.moseley@momarlaw.com>; Robert Dennis <rdennis@hgpha.com>; Robert Lyles <rtl@lylesfirm.com>; Ron Tate <rtate@gwblawfirm.com>; Russell Racine <rracine@cshlaw.com>; Ryan Gilsenan <gilsenan@hinesandgilsenan.com>; Sarah Schrodetzki <sarah.schrodetzki@walltempleton.com>; Schuyler Bethell <SBethell@TurnerPadget.com>; Scott Giblin <sgiblin@murphygrantland.com>; Shanna Stephens <sstephens@arslawsc.com>; Shannon O'Reilly <oreilly@conlaw.com>; Shelley Montague <smontague@gwblawfirm.com>; Shellie Fisher <sfischer@hallboothsmith.com>; Sherry Santana <ssantana@wardfirm.com>; sherrymanning@piercesloan.com; sonalyhendricks@piercesloan.com; sphughes@hgpha.com; Stacey P. Canaday <staceycanaday@tgdp.com>; Stefan Graff <stefan@bestlawsc.com>; Stephanie Ayers <Sayers@gwblawfirm.com>; Stephanie Combites <scombites@hgpha.com>; Sydney Hardwick <slh@aikenbridges.com>; Tammie Aycock <aycock@conlaw.com>; Tarsha M. Jefferson <tjefferson@collinsandlacy.com>; Terri James <tjames@lmlawllp.com>; Thomas B. Pritchard <TPritchard@scarolina-law.com>; Townes Johnson <tjohnson@sc.legal>; Trey.Watkins@WallTempleton.com; Trippett

Boineau <trippett.boineau@mgclaw.com>; 'twalker@clawsonandstaubes.com' <twalker@clawsonandstaubes.com>;
Valerie Inabinet <vinabinet@richardsonplowden.com>; watkins.support@walltempleton.com; Whidbee S. Perris
<wperrin@lmlawllp.com>; Witt Cox <wcox@hgpa.com>

Subject: Zitek v. D.R. Horton, Inc., et al.

Importance: High

Your Honor and Counsel,

Attached please find correspondence from Jason Imhoff on behalf of D.R. Horton, Inc.

With kind regards,



Stephanie S. Simpson

KENISON, DUDLEY & CRAWFORD, LLC

704 East McBee Avenue

Greenville, SC 29601

Email: simpson@conlaw.com

Main: (864) 242-4899

Website: www.conlaw.com

This email contains information that may be confidential and/or privileged. If you are not the intended recipient, or the employee or agent authorized to receive for the intended recipient, you may not copy, disclose or use any contents in this email. If you have received this email in error, please immediately notify the sender at Kenison, Dudley & Crawford, LLC by replying to this email and delete the original and reply emails. Thank you.