

Natalie Zitek et al
PLAINTIFF(S)

D R Horton Inc et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded;
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

Motion for Summary Judgment by 3rd Party Defendants Topbuild Home Services Inc. against Defendant D.R. Horton:

The Court considered the filings of the parties, arguments of counsel and the applicable law. The Court considered the evidence in a light most favorable to the non-moving party and finds that no genuine issue of material fact exists. With the Plaintiff's stipulations, there are no allegations of defective work by Topbuild in the record. The Court finds that the contractual indemnity cause of action is not supported by a clear and unequivocal contract and that it should be dismissed. Accordingly, the Motion for Summary Judgment by 3rd Party Defendant Topbuild Home Services, Inc. is GRANTED.

Mr. Emge is directed to prepare a formal order within ten (10) days, setting forth full findings of fact and the applicable law, copying Mr. Imhoff with the same prior to submission to the Court.

ORDER INFORMATION

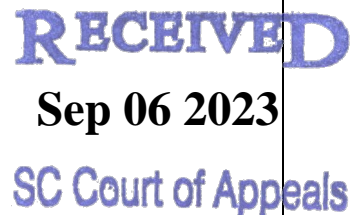
This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 07/28/2023 .

M&L General Construction Inc
M&L General Construction LLC
Lansing Building Products Inc
A-Z Inc
Kings Landscaping LLC
A&J Framing Inc
Alpro Textures LLC
AJ Landscaping & Grading LLC
Dupree Plumbing Company, Inc.
Blue Ridge Building Products
IBP Asset LLC
Greener Pastures Of Aiken LLC
Greener Pastures Inc
GBS Building Supply - US LBM LLC
Get Floored LLC
Five Star Construction Inc
Ferguson Enterprises Inc
DOM Group LLC
Caryl Mechanicals Inc
Latinos Roofing LLC
Edwin Edgardo Barahona
Edwin Barahona
GSF Renovations LLC
Jose Aristides Hernandez
Jose Hernandez
JUS Commercial Construction Inc
Brothers Contractors Inc
Brothers Contractors LLC
The App Phasio Group
Alexander S. Koenig
Luis Solis Machado
J. Rene Padilla
Padilla Flooring Llc

NAMES OF TRADITIONAL FILERS SERVED BY MAIL



Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



Anderson Common Pleas

Case Caption: Natalie Zitek , plaintiff, et al VS Jane Doe 1 , defendant, et al

Case Number: 2019CP0401942

Type: Order/Electronic Form 4

s/R. Scott Sprouse, Judge #2752

Tenth Judicial Circuit