

STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON)

IN THE COURT OF COMMON PLEAS)
FOR THE TENTH JUDICIAL CIRCUIT)

C.A. No. 2019-CP-04-1942)

Natalie Zitek, individually, and on behalf of all)
others similarly situated,)

Plaintiff,)

vs.)

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

Defendant,)

D.R HORTON, INC.,)

Third-Party Plaintiff,)

vs.)

AJ LANDSCAPING & GRADING LLC,)
A/K/A AJ LANDSCAPNG & GRADING,)
INC; ALLPRO TEXTURES, LCC; ALPHA)
OMEGA CONSTRUCTION GROUP, INC.;)
AMERICAN CONCRETE AND PRECAST, INC.,)
A/K/A ACP CONCRETE, INC.; A&J FRAMING,)
INC; ALPHA E.M.C; A-Z, INC.; ATLANTA)
FLOOR DESIGNS CENTER; A GRADE ABOVE)
OTHERS, LLC; BRAND-VAUGHAN LUMBER)
CO., INC.; BKF BUILDERS, INC; BUILDERS)
DESIGNHOUSE, LLC; BMC EAST, LLC D/B/A)
COLEMAN FLOOR, LLC; BUILDERS)
FIRSTSOURCE SOUTHEAST GROUP, LLC,)
A/K/A BUILDERS FIRSTSOURCE, INC;)
BRAVO CARPENTERS, INC.; CARYL)
MECHANICS II, INC.; CARYL MECHANICALS,)
INC.; CANNADAY SIDING AND GUTTER, INC;))
CORTES PAINTING, LLC; CBU ENTERPRISES,)
INC.; CPI SECURITY SYSTEMS, INC.; DOM)
GROUP, LLC; FERGUSON ENTERPRISES, INC.)
;FIVE STAR CONSTRUCTION INC.; FIVE)
STAR FOUNDATIONS, LLC; GALLOWAY-)
BELL, INC.; A/K/A GALLOWAY-BELL, INC. II)
BGET FLOORED, LLC; GBS BUILDING)
SUPPLY-US LBM, LLC, A/K/A GBS)

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ORDER

- 3) The Motions deadline shall be extended to Friday, June 23, 2023.
- 4) The Defendant shall be allowed to reconvene the deposition of Nick Dalton, not to exceed three additional hours.
- 5) The Defendant shall be allowed to ask the witness about any community newsletters providing information about the lawsuit. However, any communications directly from legal counsel shall be deemed privileged. The witness may be questioned regarding the date on which legal counsel was retained.
- 6) The Defendant's request for further testing of the Zitek home is denied.
- 7) The Plaintiff's Motion to Quash as to other matters is granted.
- 8) The Court vacates its prior ruling on the IBP Asset, LLC d/b/a Blue Ridge Building Products' Motion for Summary Judgment as the Motion was already moot at the time of the Order. IBP Asset, LLC d/b/a Blue Ridge Building Products' active Motion for Summary Judgment shall be held in abeyance to allow responses to issues of material fact raised by the Plaintiff at the April 21, 2023 hearing.
- 9) The Defendant(s) shall not be allowed to issue surveys to Class Members.
- 10) Unless expressly modified by this Order, all previous orders remain in full force and effect.

AND IT IS SO ORDERED!

May 1, 2023

R. Scott Sprouse
Judge, Tenth Judicial Circuit



Anderson Common Pleas

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

Case Number: 2019CP0401942

Type: Order/Form 4

s/R. Scott Sprouse, Judge #2752

Tenth Judicial Circuit