

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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Sep 11 2023

SC Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

The Honorable R. Scott Sprouse, Circuit Court Judge

Appeal No. 2023-001401

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,

And

Dr. Horton, Inc.,

Third-Party Plaintiff,

v.

A&J Framing, Inc.; A-Z, Inc., AJ Landscaping & Grading, LLC; 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.

Of Whom,

D.R. Horton, Inc., is theAppellant,

And

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 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 Vinny's Perfection Flooring, LLC;

Jesus Jimenez; and Jesus Robles Montez A/K/A Robles Construction;
Toribio Islas; and Alejandro Soto,
are the Respondents,

NOTICE OF APPEARANCE

Please take note that Helen F. Hiser hereby enters her appearance as attorney for Respondent M&L Reyna Construction, LLC in this appeal.

McANGUS GOUDELOCK & COURIE, LLC

September 11, 2023

s/Helen F. Hiser
Helen F. Hiser
S.C. Bar No.: 76124
735 Johnnie Dodds Blvd., Suite 200 (29464)
P.O. Box 650007
Mount Pleasant, South Carolina 29465
(843) 576-2900
helen.hiser@mgclaw.com

*Attorneys for Respondent M&L Reyna
Construction, LLC*

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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.

Of Whom,

D.R. Horton, Inc., is the Appellant,

And

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

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

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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;

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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,

are the Respondents,

CERTIFICATE OF SERVICE

I certify that I have served M&L Reyna Construction, LLC’s **Notice of Appearance** on the parties of record by emailing a copy to the attorneys of record as follows:

Carl F. Muller, Esquire
Carl F. Muller, Attorney-at-Law, P.A.
PO Box 1717
Greenville, SC 29602-1717
864-991-8904 Phone
carl@carlmullerlaw.com

John T. Crawford Jr., Esquire
Jason Imhoff, Esquire
Kimila L. Wooten, Esquire
704 E. McBee Ave.
Greenville, SC 29601
864-242-4899
Crawford@conlaw.com
Imhoff@conlaw.com
wooten@conlaw.com
Attorneys for Appellant D.R. Horton, Inc.

Justin O'Toole Lucey, Esquire
Dabny Lynn, Esquire
Sohayla R. Townes, Esquire
Justin O'Toole Lucey, P.A.
P.O. Box 806
Mount Pleasant, SC 29465-0806
jlucey@lucey-law.com
dlynn@lucey-law.com
mfunai@lucey-law.com
cwinckler@lucey-law.com
*Attorneys for Plaintiff Natalie Zitek,
individually, and on behalf of others
similarly situated*

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@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, Esquire
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
jdavis@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.

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 JLS Masonry, Inc.

Russell M. Racine, Esquire
Cranfill Sumner LLP
2907 Providence Rd., Ste. 200
Charlotte, NC 28211
rracine@cshlaw.com
Counsel for Third-Party Defendant Jesus Robles Montes a/k/a Robles Construction

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
ebehlymer@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.james@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.***

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

***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.james@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@ghgpa.com
wcox@ghgpa.com
radkins@ghgpa.com
kwillis@ghgpa.com
scombites@ghgpa.com

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

Charles O. Williams, III, Esquire
McAngus Gouelock & 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
[cemg\(@rlattorneys.com](mailto:cemg(@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](mailto:ross@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@rogerstowndsend.com
bryan.barnes@rogerstowndsend.com
joanne.allen@rogerstowndsend.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
ebeymer@gwblawfirm.com
kpetersoli@gwblawfirm.com

Attorneys for Fourth-Party Defendant Carolina Hernandez d/b/a 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. 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, P.A.
611 Bay Street
Beaufort, SC 29902
staceycanaday@tgdcpa.com
Morgan.reeves@tgdcpa.com
*Attorney for Fourth-Party Defendants Jesus
Jimenez, 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@rogerstownsend.com
bryan.barnes@rogerstownsend.com
joanne.allen@rogerstownsend.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., Esquire
Michal Kalwajtys, Esquire
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
Güierrez Antunez*

September 11, 2023

s/Helen F. Hiser

Helen F. Hiser
McANGUS GOUDELOCK & COURIE LLC
735 Johnnie Dodds Blvd., Suite 200
P.O. Box 650007
Mount Pleasant, South Carolina 29465
helen.hiser@mgclaw.com
(843) 576-2900
Attorneys for Petitioner M&L Reyna Construction, LLC



RECEIVED

Sep 11 2023

SC Court of Appeals

Reply To

HELEN F. HISER
Direct Dial: (843) 576-2930
helen.hiser@mgclaw.com

September 11, 2023

Via S.C. Courts E-Filing

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

RE: Natalie Zitek, individually, and on behalf of all others similarly situated, v. D.R. Horton, Inc., Jane Doe #1-10; and, John Doe #1-50, v. D.R. Horton, Inc., v. A J Landscaping & Grading, LLC, a/k/a A J Landscaping & Grading, LLC; AllPro Textures, LLC; 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.; Blue Ridge Building Products, LLC; Builders DesignHouse, LLC; BMC East, LLC; Builders FirstSource Southeast Group, LLC, a/k/a Builders FirstSource, Inc.; Bravo Carpenters, Inc.; Caryl Mechanics II, Inc., a/k/a Caryl Mechanicals, Inc.; Cannaday Siding & Gutter, Inc.; Coleman Floor, LLC; 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; Get Floored, LLC; GBS Building Supply - Us LBM, LLC, f/k/a GBS Building Supply, Inc.; General Shale Brick Inc.; Greener Pastures, Inc., a/k/a Greener Pastures of Aiken, LLC; Installed Building Products, LLC, a/k/a Installed Building Products II, LLC; JLS Masonry, Inc.; Kings Landscaping, LLC; LandShapers, LLC; Lade-Danlar, Inc.; Lansing Building Products, Inc.; Long Heating & Air Conditioning, Inc.; L & M Electric, Inc.; Manale Landscaping, LLC; MJ Cowboys, LLC; M & L General Construction, LLC, a/k/a M & L General Construction, Inc.; M&L Reyna Construction, LLC; M&M Foundations, LLC; Nazareth Builders, LLC; NB Contractors, LLC; Poinsett Development, LLC; Poinsett Homes, LLC; P&T Construction, Inc., a/k/a P & T Construction, Inc.; P & L Enterprises, LLC; ProBuild Company, LLC a/k/a ProBuild Holdings, Inc.; Rite Rug Company, Inc., a/k/a Rite Rug Co.; Rodney Howard Grading Inc., a/k/a Rodney Howard Grading Co.; Sandlapper Concrete, LLC
Civil Action No.: 2019CP0401942 (Anderson)
Carrier Claim No.: N/A
MGC File No.: 22224.23008

Dear Ms. Kitchings:

Please find enclosed for filing my Notice of Appearance in the above-referenced matter along with our Proof of Service of same.

The Honorable Jenny Abbott Kitchings
September 11, 2023
Page 2

If you have any questions, please contact me.

Yours truly,

McAngus Goudelock & Courie, LLC

A handwritten signature in black ink, appearing to read "Hiser", with a long horizontal flourish extending to the right.

Helen F. Hiser

Enclosures

cc: Counsel of Record (via email only)