

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

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

NOTICE OF APPEAL

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

Form 4 Order dated and filed September 27, 2023, granting Defendant Galloway-Bell, Inc. A/K/A Galloway-Bell Inc. II's Motion for Summary Judgment filed May 2, 2023, and the expanded Order dated and filed September 27, 2023, granting the same motion titled Order Granting Galloway-Bell, Inc. A/K/A Galloway-Bell, Inc II's Motion for Summary Judgment as To All Claims Asserted by Third-Party Plaintiff D.R. Horton, Inc., as well as the verbal Order on September 1, 2023, to which D.R. Horton, Inc. filed its Motion to Reconsider and/or Alter or Amend the Order Granting Third-Party Defendant Galloway-Bell, Inc. A/K/A Galloway-Bell Inc. II's Motion for Summary Judgment as to D.R. Horton, Inc.'s Third-Party Complaint dated and filed September 11, 2023. Counsel for the Appellant received written notice of entry of the Order effectively denying its motion for reconsideration by virtue of the Court's Orders referenced herein on September 27, 2023.

Dated October 25, 2023

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RECEIVED

Oct 25 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

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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.;;
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 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

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 Defendants and Plaintiffs

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

Galloway-Bell, Inc. A/K/A Galloway-Bell Inc. IIRespondent

PROOF OF SERVICE

The undersigned does hereby certify that on October 25, 2023, a copy of the Notice of Appeal and all Orders were 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.

Dated October 25, 2023

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