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Oct 26 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The 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 the.....Appellant,

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 Timothy J. Newton hereby enters her appearance as attorney for Respondent Installed Building Products, LLC A/K/A Installed Building Products II, LLC in this appeal.

MURPHY & GRANTLAND, P.A.

October 26, 2023

s/Timothy J. Newton
Timothy J. Newton
S.C. Bar No.: 09807
4406-B Forest Drive
P.O. Box 6648
Columbia, SC 29206
(803) 782-4100
Email: tnewton@murphygrantland.com
*Attorneys for Respondent Installed Building
Products, LLC A/K/A Installed Building Products,
II, 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 theAppellant,

And

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

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

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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;

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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;

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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 Installed Building Products, LLC A/K/A Installed Building Products II, 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@turnerpadgett.com
kbranham@turnerpadgett.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.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 Grimbball, Esquire
Richardson, Plowden & Robinson, P.A.
235 Magrath Darby Blvd., Ste. 100
Mount Pleasant, SC 29464
fhgrimbball@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
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.***

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.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.***

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.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.matte@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
ebehymmer@gwblawfirm.com
kpetersoli@gwblawfirm.com

Attorneys for Fourth-Party Defendant Carolina Hernandez d/b 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
[lcpeland@holcombebomar.com](mailto: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@rogerstowndsend.com
bryan.barnes@rogerstowndsend.com
joanne.allen@rogerstowndsend.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
Guitierrez Antunez*

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*

October 26, 2023

s/Timothy J. Newton
Timothy J. Newton
MURPHY & GRANTLAND, P.A.
4406-B Forest Drive
P.O. Box 6648
Columbia, South Carolina 29206
tnewton@murphygrantland.com
(803) 782-4100
*Attorneys for Respondent Installed Building Products,
LLC A/K/A Installed Building Products, II, LLC*