

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

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,

D.R. Horton, Inc.,Third-Party Plaintiff,

vs

BFK Builders, Inc.;
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;
Dupree Plumbing Company, Inc.;
Galloway-Bell, Inc. A/K/A Galloway-Bell Inc. II;
General Shale Brick Inc.;
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.;
M&L Reyna Construction, LLC;
M&M Foundations, LLC;
MJ Cowboys, LLC;
Silver Line Building Products Corporation;
Topbuild Home Services., Inc., A/K/A Gale Contractors Service;
..... Third-Party Defendants

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

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

BFK Builders, Inc.;

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;
Galloway-Bell, Inc. A/K/A Galloway-Bell Inc. II;
General Shale Brick Inc.;
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.;
M&L Reyna Construction, LLC;
M&M Foundations, LLC;
MJ Cowboys, LLC;
Silver Line Building Products Corporation;
Topbuild Home Services., Inc., A/K/A Gale Contractors Service;
Jimenez Contactors, LLC;
Jimenez Contractors, Inc.;

Jesus Jimenez; and
Jesus Robles Montez A/K/A Robles Construction ;

.....Respondents

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE that Alicia N. Bolyard, Esquire hereby enters her appearance joining in the representation of Respondent Builders Services Group, Inc. d/b/a Gale Contractor Services in the above-captioned appeal.

RESNICK & LOUIS, P.C.

s/ Alicia N. Bolyard

N. Keith Emge, Jr. “Chip”
S.C. Bar No. 65955
Nosizi Ralephata, Esquire
S.C. Bar No. 72484
Alicia N. Bolyard, Esquire
S.C. Bar No. 103737
146 Fairchild Street, Suite 130
Charleston, SC 29492
cemge@rlattorneys.com
nralephata@rlattorneys.com
abolyard@rlattorneys.com
**Attorney for the Respondent Builders
Services Group, Inc. d/b/a Gale
Contractor Services**

January 10, 2024
Charleston, South Carolina

RECEIVED

Jan 10 2024

SC Court of Appeals

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

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,

D.R. Horton, Inc.,Third-Party Plaintiff,

vs

BFK Builders, Inc.;
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;
Dupree Plumbing Company, Inc.;
Galloway-Bell, Inc. A/K/A Galloway-Bell Inc. II;
General Shale Brick Inc.;
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.;
M&L Reyna Construction, LLC;
M&M Foundations, LLC;
MJ Cowboys, LLC;
Silver Line Building Products Corporation;
Topbuild Home Services., Inc., A/K/A Gale Contractors Service;
..... Third-Party Defendants

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

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

BFK Builders, Inc.;

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;
Galloway-Bell, Inc. A/K/A Galloway-Bell Inc. II;
General Shale Brick Inc.;
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.;
M&L Reyna Construction, LLC;
M&M Foundations, LLC;
MJ Cowboys, LLC;
Silver Line Building Products Corporation;
Topbuild Home Services., Inc., A/K/A Gale Contractors Service;
Jimenez Contactors, LLC;
Jimenez Contractors, Inc.;

Jesus Jimenez; and
Jesus Robles Montez A/K/A Robles Construction ;

.....Respondents

PROOF OF SERVICE

The undersigned does hereby certify that on January 10, 2024, a copy of Respondent Builders Services Group, Inc. d/b/a Gale Contractor Services’ Notice of Appearance of Alicia N. Bolyard, Esquire was served by email on all counsel of record as identified below.

s/ Alicia N. Bolyard
N. Keith Emge, Jr. “Chip”
S.C. Bar No. 65955
Nosizi Ralephata, Esquire
S.C. Bar No. 72484
Alicia N. Bolyard, Esquire
S.C. Bar No. 103737
146 Fairchild Street, Suite 130
Charleston, SC 29492
cemge@rlattorneys.com
nralephata@rlattorneys.com
abolyard@rlattorneys.com
**Attorney for the Respondent Builders
Services Group, Inc. d/b/a Gale
Contractor Services**

January 10, 2024
Charleston, South Carolina

Other Counsel of Record:

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

AND

John T. Crawford Jr., Esquire
Jason Imhoff, Esquire
Kimila L. Wooten, Esquire
704 E. McBee Ave.
Greenville, SC 29601
Crawford@conlaw.com
Imhoff@conlaw.com
wooten@conlaw.com

Attorneys for D.R. Horton, Inc.

Justin O'Toole Lucey, Esq.
Dabny Lynn, Esq.
Sohayla R. Townes, Esq.
Justin O'Toole Lucey, P.A.
P.O. Box 806
Mount Pleasant, SC 29465-0806
jlucey@lucey-law.com
dlynn@lucey-law.com
stownes@lucey-law.com
amixson@lucey-law.com
vgarner@lucey-law.com

Attorneys for Plaintiff

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

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.

Kevin W. Mims, Esquire
Whit Perrin, Esquire
Rachel N. Stewart, Esquire
Luzuriaga Mims, LLP
1156 King Street
Charleston, SC 29403
kmims@lmlawllp.com
wperrin@lmlawllp.com
rstewart@lmlawllp.com
tjames@lmlawllp.com
lmsupport@lmlawllp.com
Attorneys for Third-Party Defendant M&L Reyna Construction, 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 Defendant M&M Foundations, LLC

Howell, Gibson & Hughes, P.A.
P.O. Box 40
Beaufort, SC 29901-0040

sphughes@hgghpa.com

wcox@hgghpa.com

radkins@hgghpa.com

kwillis@hgghpa.com

scombites@hgghpa.com

***Attorneys for Third-Party Defendant
Builders FirstSource Southeast Group, LLC
a/k/a Builders FirstSource, 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 Defendants
Galloway-Bell, Inc. a/k/a Galloway-Bell,
Inc. II***

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

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***

Stephen P. Hughes, Esquire
William H. Cox, III, Esquire
Howell, Gibson & Hughes, P.A.
P.O. Box 40

Beaufort, SC 29901-0040

sphughes@hgghpa.com

wcox@hgghpa.com

radkins@hgghpa.com

kwillis@hgghpa.com

scombites@hgghpa.com

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

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***

Stacey P. Canaday, Esquire
Tupper, Grimsley, Dean & Canaday
611 Bay Street
Beaufort, SC 29902

staceycanaday@tgdcpa.com

Morgan.reeves@tgdcpa.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*

*Attorney for Fourth-Party Defendants
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.*