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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

APPELLATE CASE NO. 2023-001681
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,

AND

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

AJ Landscaping & Grading, LLC, a/k/a AJ 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-Vaughn Lumber Co, Inc.;;
BFK 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., a/k/a Caryl Mechanicals, Inc.;

Cannaday Siding & 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;

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;

IBS Asset, LLC d/b/a Blue Ridge Building Products;

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;

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;

Silver Line Building Products Corp;

Dupree Plumbing Co., Inc.;
UTM Enterprises, Inc;
and
Willow Tree Landscaping, Inc.; and Silver Line Building Products Corporation,

..... Third-Party Defendants

Of which Galloway-Bell, Inc., a/k/a Galloway-Bell, Inc. II is the Respondent and D. R. Horton, Inc., is the Appellant.

APPELLANT'S MOTION FOR EXTENSION TO FILE INITIAL BRIEF

It appears that all transcripts required for this appeal have been received by the parties. That is not certain due to the number of parties and orders. This class action is exceedingly complex and it has been difficult to identify which motions and hearings are involved. Nonetheless, counsel for the Appellant D.R. Horton, Inc., believes that his last transcript was received on December 11, 2023 and is prepared to go forward with briefing. Other counsel are not opposed. Accordingly, the undersigned counsel requests an extension and that his initial brief for Appellant D.R. Horton, Inc. be due on February 9, 2024.

s/ Carl F. Muller

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Attorneys for Respondent/Third-Party Defendant Galloway-Bell, Inc.

a/k/a Galloway-Bell, Inc. II

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P&L Enterprises, LLC;

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Rite Rug Company, Inc., a/k/a, Rite Rug Co.;

Rodney Howard Grading, Inc., a/k/a Rodney Howard Grading Co.;

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Silver Line Building Products Corp;

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UTM Enterprises, Inc;
and
Willow Tree Landscaping, Inc.; and Silver Line Building Products Corporation,

..... Third-Party Defendants

Of which Galloway-Bell, Inc., a/k/a Galloway-Bell, Inc. II is the Respondent and D. R. Horton, Inc., is the Appellant.

CERTIFICATE OF SERVICE AND FILING

The undersigned does hereby certify that on January 10, 2024, a copy of the Appellant’s Motion For Extension To File Initial Brief was served by email on counsel of record for Respondents as follows and filed by email with the South Carolina Court of Appeals in this proceeding:

Other Counsel of Record:

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Zitek v DR Horton Appellate Case No: 2023-001681

Kay Kelly <kay@carlmullerlaw.com>

Wed, Jan 10, 2024 at 2:57 PM

To: Jeff Ross <jross@rclawsc.com>

Cc: "E. Sheets" <esheets@rclawsc.com>, Bobbi Myers <bmyers@rclawsc.com>, ewelk@rclawsc.com, Isabella Myers <imyers@rclawsc.com>, kbarnes@rclawsc.com, John Crawford <crawford@conlaw.com>, imhoff@conlaw.com, Kim Wooten <wooten@conlaw.com>

Dear Attorney Ross,

Please find attached the Appellant's Motion For Extension To File Initial Brief in the above SC Court of Appeals Case. This email serves as a Certificate of Service to you and will be filed with the attachments in the SC Court of Appeals today.

If you have any questions please let me know.

Thank you,
Kay Kelly

--

D. Kay Kelly, Legal Assistant

Carl F. Muller Attorney-At-Law

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2 attachments **Appellant's Motion For Extension To File Initial Brief 2023-001681.pdf**
619K **Certificate of Filing 2023-001681.pdf**
393K