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Jan 22 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;
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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 Contactors, Inc.;

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

.....Respondents

MOTION TO WITHDRAW COUNSEL

PLEASE TAKE NOTICE that undersigned counsel for Builders Services Group, Inc. d/b/a Gale Contractor Services (hereinafter “Gale”) hereby moves to withdraw N. Keith Emge, Jr., Esquire and Jessica W. Stratta, Esquire as counsel of record for Gale in the above-captioned appeal. N. Keith Emge, Jr., Esquire and Jessica W. Stratta, Esquire are no longer with Resnick & Louis, P.C., therefore, are no longer involved in the representation of Gale. Attorneys Nosizi Ralephata, Esquire and Alicia N. Bolyard, Esquire will remain as counsel, and all future pleadings, motions, notices, discovery, and correspondence herein should be directed to the undersigned as counsel for Gale, and withdrawing N. Keith Emge, Jr., Esquire and Jessica W. Stratta, Esquire.

[SIGNATURE PAGE TO FOLLOW]

RESNICK & LOUIS, P.C.

s/ Nosizi Ralephata

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Attorney for the Respondent Builders

Services Group, Inc. d/b/a Gale

Contractor Services

January 22, 2024

Charleston, South Carolina

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vs

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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.;
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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;
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Installed Building Products, LLC A/K/A Installed Building Products II, LLC;
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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 Contactors, Inc.;

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

.....Respondents

PROOF OF SERVICE

The undersigned does hereby certify that on January 22, 2024, a copy of Respondent Builders Services Group, Inc. d/b/a Gale Contractor Services’ Motion to Withdraw Counsel was served by email on all counsel of record as identified below.

s/ Nosizi Ralephata

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January 22, 2024
Charleston, South Carolina

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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.***

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VIA E-MAIL & US MAIL

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201
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Re: Natalie Zitek, Individually, and on Behalf of All Others Similarly Situated v. DR Horton, Inc.
Civil Action No.: 2019-CP-04-01942 (Anderson County)
Appellate No.: 2023-001401
R&L File No.: 28102.0051

Dear Mc. Kitchings:

Enclosed, please find Builder Services Group, Inc d/b/a Gale Contractor Services' Motion to Withdraw Counsel for filing in the above referenced matter.

Pursuant to the Supreme Court's August 25, 2021 Order No. 2021-08-25-03 regarding Reduced Number of Copies Required in Appellate Matters, we are sending an unbound copy of the original of the motion, along with our firm's check in the amount of \$50.00 as the required filing fee, via US. Mail.

Should you have any questions or require anything further, please do not hesitate to contact me.

With kindest regards, I am

Very truly yours,

s/ Nosizi Ralephata
Nosizi Ralephata, Esquire
For the Firm

NR/mlj
Enclosures