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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

Case No. 2019CP041942
Appellant Case No. 2023-001401

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

v.

D. R. Horton, Inc., Jane Doe#1-10; and,
John Doe #1-50, Defendant,

D.R. Horton, Inc., Appellant,

v.

A&J Landscaping & Grading LLC, A/K/A AJ Landscaping
& Grading, Inc; 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.; Caryl Mechanicals, Inc.;
Cannaday Siding and 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 BGET
Floored, LLC; GBS Buildings Supply-Us LBM, LLC,
A/K/A GBS Building Supply, Inc.; General Shale Brick
Inc.; Greener Pastures, Inc. A/K/A Greener Pastures of
Aiken, Inc; IBP Asset, LLC D/B/A Blue Ridge Building
Products; JLS Masonry, Inc.; Kings Landscaping, LLC;
Landshapers, LLC; Lade-Danler, 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&Lreyna
Construction, LLC; M&M Foundations, LLC; Nazareth
Builders, LLC, NB Contractors, LLC; Poinsett
Development, LLC; Poinsett Homes, LLC; P&T
Construction, LLC; P&L Enterprises, LLC; Probuild
Company, A/K/A Probuild Holdings, Inc.; Rite Rug Co.;
Rodney Howard Grading Co.; Sandlapper Concrete,
LLC; Sodfather, Inc.; Landscape Contractors; Stock
Building Supply, LLC; Topbuild Home Services, Inc,
A/K/A Gale Gale Contractors Service; Tucker Materials,
Inc., A/K/A Gypsum; UTM Enterprises, Inc.; Dupree
Plumbing Company, Inc.; Willow Tree Landscaping,
Inc.,

Third-Party Defendants,

of which Builder Services Group (f/k/a Masco Contractor
Services Central Inc. f/k/a Gale Industries, Inc. d/b/a Gale
Contractors Services) and IBP Assets, LLC d/b/a Blue
Ridge Building Products are the

Respondents.

PROPOSED DESIGNATION OF RECORD ON APPEAL

PROPOSED DESIGNATION OF RECORD ON APPEAL
Appellant Horton – Respondents IBP and Gale
Appeal 2023-001401

1. Complaint filed September 24, 2021
2. D.R. Horton Amended Summons and Amended Answer and Third-Party Complaint filed March 11, 2021
3. D.R. Horton Second Amended Answer and Third-Party Complaint filed February 23, 2023
4. Form 4 Order filed July 28, 2023
5. Form 4 Order filed July 26, 2023
6. Form 4 Order filed August 18, 2023
7. Trial Plan Order filed August 17, 2023
8. Order filed November 3, 2022
9. Order (Proposed) Granting Builders Services Group, Inc. d/b/a Gale Contractors Services' Motion for Summary Judgment filed August 7, 2023
10. Order Granting Motion for Summary Judgment filed August 23, 2023
11. IBP ICA
12. Gale Contracts
13. Transcript 9/22/2021, pages 5-9
14. Transcript 2/8/2023, pages 3-19; 27-28
15. Transcript 4/21/2023, pages 47-55;57;63-66
16. Transcript 9/15/2023, pages 20-22
17. Transcript 7/20/2023, page 166
18. Notice of Appeal filed September 6, 2023
19. D.R. Horton Memorandum in Opposition to All Third-Party Defendants' Motions for Summary Judgment filed July 11, 2023
20. D.R. Horton Supplemental Memorandum in Opposition to Third-Party Defendants' Motions for Summary Judgment filed July 19, 2023
21. D.R. Horton's Motion to Reconsider and/or Alter or Amend the Order Granting Third-Party Defendant Builders Services Group, Inc. d/b/a Gale Contractor Services' Motion for Summary Judgment filed August 7, 2023
22. D.R. Horton's Motion to Reconsider and/or Alter or Amend the Order Granting Third-Party Defendant IBP Asset, LLC d/b/a Blue Ridge Building Products' Motion for Summary Judgment filed August 8, 2023
23. Plaintiff's Stipulation as to Limitation on Claims filed July 20, 2023
24. IBP Asset, LLC d/b/a Blue Ridge Building Products' Motion for Summary Judgment filed August 1, 2022
25. IBP Asset, LLC d/b/a Blue Ridge Building Products' Motion for Summary Judgment filed July 26, 2022
26. Builders Services Group, Inc. d/b/a Gale Contractor Services Memorandum in Support of Motion for Summary Judgment filed July 10, 2023
27. Builders Services Group, Inc. d/b/a Gale Contractor Services Memorandum in Support of Motion for Summary Judgment filed May 1, 2023

28. Letter to Builder Services Group, Inc., d/b/a Gale Contractor Services dated March 17, 2023
29. Plaintiff's Notice to Cure Defects Letter dated December 11, 2019, service transmittal date December 16, 2019, filed August 29, 2023
30. IBP Asset, LLC d/b/a Blue Ridge Building Products' Memorandum in Support of its Motion for Summary Judgment filed September 2, 2022
31. IBP Asset, LLC d/b/a Blue Ridge Building Products' Motion to Reconsider filed February 22, 2023
32. IBP Asset, LLC d/b/a Blue Ridge Building Products' Supplemental Memorandum in Support of its Motion for Summary Judgment filed April 19, 2023
33. IBP Asset, LLC d/b/a Blue Ridge Building Products' Supplemental Motion for Summary Judgment filed May 1, 2023
34. IBP Asset, LLC d/b/a Blue Ridge Building Products' Supplemental Memorandum in Support of its Supplemental Motion for Summary Judgment filed July 11, 2023
35. Defendant AJ Landscaping & Grading's Notice of Motion and Motion for Summary Judgment filed August 29, 2022
36. Third-Party Defendant Rite Rug Company, Inc. A/K/A Rite Rug Co.'s Motion for Partial Summary Judgment filed August 26, 2022