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SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM ANDERSON COUNTY  
Court of Common Pleas

Hon. R. Scott Sprouse, Circuit Court Judge

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Trial Court Case No. 2019CP041942  
Appellant Case No. 2023-001681

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

AND

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

AND

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

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., 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

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PROPOSED DESIGNATION OF RECORD ON APPEAL

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PROPOSED DESIGNATION OF RECORD ON APPEAL  
Horton Appellant – Respondent Galloway  
Appeal 2023-001681

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. Order filed November 3, 2022
5. Trial Plan Order filed August 17, 2023
6. Order Granting Galloway-Bell Motion for Summary Judgment filed September 27, 2023
7. Form 4 Order filed September 27, 2023
8. Transcript 9/22/2021, pages 5-9
9. Transcript 2/8/2023, pages 3-19; 27-28
10. Transcript 4/21/2023, pages 47-55;57;63-66
11. Transcript 9/15/2023, pages 20-22
12. Transcript 7/20/2023, page 166
13. Galloway-Bell ICA
14. D.R. Horton Memorandum in Opposition to All Third-Party Defendants’ Motions for Summary Judgment filed July 11, 2023
15. D.R. Horton Supplemental Memorandum in Opposition to Third-Party Defendants’ Motions for Summary Judgment filed July 19, 2023
16. D.R. Horton Motion to Reconsider and/or Alter or Amend the Order Granting Third-Party Defendant Galloway-Bell Motion for Summary Judgment filed September 11, 2023
17. Plaintiff’s Stipulation as to Limitation on Claims filed July 20, 2023
18. Plaintiff’s Notice to Cure Defects Letter dated December 11, 2019, service transmittal date December 16, 2019, filed August 29, 2023
19. Galloway-Bell, Inc. Memorandum in Support of Motion for Summary Judgment filed July 11, 2023
20. Galloway-Bell’s Motion for Summary Judgment as to All Claims filed May 1, 2023
21. Defendant AJ Landscaping & Grading’s Notice of Motion and Motion for Summary Judgment filed August 29, 2022
22. Third-Party Defendant Rite Rug Company, Inc. A/K/A Rite Rug Co.’s Motion for Partial Summary Judgment filed August 26, 2022
23. Notice of Appeal filed October 25, 2023