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Feb 28 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

Case No. 2019CP011942
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.,Appellant,

vs

AJ Landscaping & Grading LLC, A/K/A AJ Landscaping & Grading, Inc; Allpro Textures, LCC; 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-Vaughan Lumber Co., Inc.; BKF 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 Building 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 Builders Services Group, LLC (f/k/a Masco Contractor Services Central Inc. f/k/a Gale Industries, Inc. d/b/a Gale Contractor Services); and IBP Asset, LLC d/b/a Blue Ridge Building Products;Respondents

MOTION FOR EXTENSION OF TIME TO FILE RESPONDENT’S INITIAL BRIEF

COME NOW the Respondent Builders Services Group, Inc. d/b/a Gale Contractor Services’ (“Respondent”), pursuant to Rules 240 and 263(b), SCACR, moving this Court for an Order extending the time for filing and serving Respondent’s Initial Brief and Designation of Matter. This motion is made with the consent of the Appellant. The above-named Appellant filed its Initial Brief and Designation of matter on February 8, 2024, causing Respondent’s Initial Brief and Designation of Matter to be currently due on March 11, 2024. With the extension, the new deadline would be April 10, 2024.

The undersigned counsel for Respondent respectfully requests an extension of time of thirty (30) days to file its Initial Brief and Designation of Matter. The grounds for this motion is due to undersigned counsel was only recently brought into this matter, and due to the complex nature of the matters at issue, requires additional time to review the matters at issue in order to prepare its Initial Brief. This is Respondent’s first request for an extension.

Counsel for Respondent would show that there is good cause to allow the requested extension of time, as it is in furtherance of the interests of justice; and the extension will not work any undue prejudice upon any other party.

[SIGNATURE PAGE TO FOLLOW]

Respectfully submitted,

Resnick & Louis, P.C.

s/ Alicia N. Bolyard

Alicia N. Bolyard, Esquire

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Attorney for the Respondent Builders

Services Group, Inc. d/b/a Gale

Contractor Services

February 28, 2024

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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.;
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of which Builders Services Group, LLC (f/k/a Masco Contractor Services Central Inc. f/k/a Gale Industries, Inc. d/b/a Gale Contractor Services); and IBP Asset, LLC d/b/a Blue Ridge Building Products;Respondents

PROOF OF SERVICE

The undersigned does hereby certify that on February 28, 2024, a copy of Respondent Builders Services Group, Inc. d/b/a Gale Contractor Services' Motion for Extension of Time to File Respondent's Initial Brief was served by email on all counsel of record as identified below.

s/ Alicia N. Bolyard
Alicia N. Bolyard, Esquire
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**Attorney for the Respondent Builders
Services Group, Inc. d/b/a Gale
Contractor Services**

February 28, 2024
Charleston, South Carolina

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Installed Building Products, LLC a/k/a
Installed Building Products II, LLC; and
IBP Asset, LLC d/b/a Blue Ridge Building
Products, LLC**

 **RESNICK & LOUIS, P.C.**
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REPLY TO THE CHARLESTON OFFICE
146 Fairchild Street, Suite 130
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(843) 410-2534

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VIA EMAIL & CERTIFIED MAIL –
RETURN RECEIPT REQUESTED

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201
ctappfilings@sccourts.org

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 for Extension of Time to File Respondent's Initial Brief 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 certified 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/Alicia N. Bolyard
Alicia N. Bolyard, Esq.
For the Firm

ANB/vm
Enclosures

ALBUQUERQUE | BAKERSFIELD | BURBANK | CHARLESTON | DALLAS | DENVER | FT LAUDERDALE | HIDALGO
COUNTY (THE VALLEY) | HOUSTON | JACKSON | JACKSONVILLE | LAS VEGAS | LOS ANGELES | MIAMI |
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