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Mar 01 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.: 2019-CP-04-01942
Appellate Case No.: 2023-001681

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,
Defendants,

AND

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

v.

AJ Landscaping & Grading, LLC a/k/a A J 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-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., 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 Green 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 whom Galloway-Bell, Inc. a/k/a Galloway-Bell, Inc. II is the Respondent,

AND

D.R. Horton, Inc. is the Appellant.

GALLOWAY-BELL, INC. a/k/a GALLOWAY-BELL, INC. II'S MOTION FOR EXTENSION TO FILE AND SERVE ITS INITIAL BRIEF AND DESIGNATION OF MATTER

Pursuant to Rule 263(b) of the South Carolina Appellate Court Rules, Respondent Galloway-Bell, Inc. a/k/a Galloway-Bell, Inc. II ("Galloway-Bell") hereby moves for an extension of time of thirty (30) days to file and serve its Initial Brief and designation of matter, currently due March 11, 2023. To date, Galloway-Bell has not requested an extension of time. Galloway-Bell files this motion seeking an extension due to extra time needed to receive and review the extensive transcripts in this case. Appellant's counsel has graciously consented to this request. According to my calculation, Respondent's Initial Brief and Designation of Matter would be due on April 10, 2024.

(Signature Page to Follow)

Appellate Case No.: 2023-001681
Galloway-Bell Motion for Extension to File Initial Brief

Respectfully submitted,

s/ Brenten H. DeShields

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***Attorneys for Respondent Galloway-Bell, Inc. a/k/a
Galloway-Bell, Inc. II***

Mount Pleasant, South Carolina
March 1, 2024

Other counsel of record:

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Attorneys for Appellant D.R. Horton, Inc.

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Third-Party Defendants,

Of whom 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 March 1, 2024, a copy of Galloway-Bell, Inc. a/k/a Galloway-Bell, Inc. II 's Motion for Extension to File and Serve its Initial Brief was served by email on all counsel of record for Appellant.

ROSS & CRISTALDI, LLC

s/ Brenten H. DeShields

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ATTORNEYS AT LAW

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SC Court of Appeals

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March 1, 2024

VIA E-MAIL (ctappfilings@sccourts.org)

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Zitek v. D.R. Horton, Inc., et al.
Appellate Case No.: 2023-001681

Dear Ms. Kitchings:

Enclosed for filing please Galloway-Bell, Inc. a/k/a Galloway-Bell, Inc. II's Motion for Extension to file and serve its Initial Brief. A check in the amount of \$50.00 has been placed in the mail for the filing fee.

Thank you very much for your attention to the above.

Very truly yours,

s/ Brenten H. DeShields

Brenten H. DeShields

BHD/bm

Enclosures

Cc: Jason Imohoff (jmhoff@conlaw.com)
John T. Crawford, Jr. (crawford@conlaw.com)
Carl F. Muller (carl@carlmullerlaw.com)