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**Mar 22 2024**

**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

The Honorable R. Scott Sprouse, Circuit Court Judge

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Case No. 2019-CP-04-01942  
Appellate Case No.: 2024-000057

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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.

A&J Framing, Inc.; A-Z, Inc.; AJ Landscaping & Grading, LLC, A/K/A AJ Landscaping & Grading, LLC; Allpro Textures, LLC; Alpha E.M.C.; Alpha Omega Construction Group, Inc.; American Concrete And precast, Inc.; A/K/A ACP Concrete, Inc.; Atlanta Floor Designs Center; A Grade Above Others, LLC; BFK Builders, Inc.; BMC East LLC D/B/A Coleman Floor, LLC; Brand-Vaughn Lumber Co, Inc.; Bravo Carpenters, Inc.; Builders Designhouse, LLC; 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; Cannaday Siding & Gutter, Inc.; Caryl Mechanics II, Inc., A/K/A

Caryl Mechanicals, Inc.; CBU Enterprises, Inc.; Cortes Painting, LLC; CPI Security Systems, Inc.; Dom Group, LLC; Dupree Plumbing Company, Inc.; Ferguson Enterprises, Inc.; Five Star Construction Inc.; Five Star Foundations, LLC; Galloway-Bell, Inc. A/K/A Galloway-Bell Inc. II; GBS Building Supply – Us LBM, LLC, F/K/A/GBS Building Supply, Inc.; General Shale Brick Inc.; Get Floored, LLC; Greener Pastures, Inc., A/K/A Greener Pastures of Aiken, LLC; 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.; Kings Landscaping, LLC; L&M Electric, Inc.; Lade-Danlar, Inc.; Landshapers, LLC; Lansing Building Products, Inc.; Long Heating & Air Conditioning, Inc.; M&L General Construction, LLC, A/K/A M&L General Construction, Inc.; M&L Reyna Construction, LLC; M&M Foundations, LLC; Manale Landscaping, LLC; MJ Cowboys, LLC; Nazareth Builders, LLC; NB Contractors, LLC; Poinsett Development, LLC; Poinsett Homes, LLC; P&L Enterprises, LLC; P&T Construction, Inc., A/K/A P&T Construction, Inc.; Probuild Company, LLC A/K/A Probuild Holdings, Inc.; Rite Rug Co.; Rodney Howard Grading, Inc. A/K/A Rodney Howard Grading Co.; Sandlapper Concrete, LLC; Silver Line Building Products Corporation; 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; UTM Enterprises, Inc; and Willow Tree Landscaping, Inc.,

Third-Party Defendants,

and

Aaron D. Peris; Harrelson Painting, LLC; Huttig Building Products; et al.,

Fourth- and Fifth-Party  
Plaintiffs and Defendants,

Of whom  
JLS Masonry, Inc., is the

APPELLANT,

v.  
Natalie Zitek, individually, and on behalf of all  
others similarly situated and as assignee of the  
claims of Third-Party Plaintiff D.R. Horton,  
Inc.,

RESPONDENT.

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**JLS MASRONY, INC.’S MOTION FOR EXTENSION TO FILE AND SERVE ITS  
INITIAL BRIEF AND DESIGNATION OF MATTER**

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Pursuant to Rule 263(b) of the South Carolina Appellate Court Rules, Appellant JLS Masonry, Inc. (“JLS”) hereby moves for an extension of time of thirty (30) days to file and serve its Initial Brief and designation of matter, currently due April 3, 2024. To date, JLS has not requested an extension of time. JLS files this motion seeking an extension due to extra time needed to review the extensive transcripts in this case. According to my calculation, Appellant’s Initial Brief and Designation of Matter would be due on May 3, 2024. Respondent’s counsel has graciously agreed to this request.

Respectfully submitted,

s/ Brenten H. DeShields

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*Attorneys for Appellant JLS Masonry, Inc.*

Mount Pleasant, South Carolina  
March 22, 2024.

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***Attorneys for Respondent Natalie Zitek,  
individually, and on behalf of all others  
similarly situated and as assignee of the claims  
of Third-Party Plaintiff D.R. Horton, Inc.***

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v.

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

A&J Framing, Inc.; A-Z, Inc.; AJ Landscaping & Grading, LLC, A/K/A AJ Landscaping & Grading, LLC; Allpro Textures, LLC; Alpha E.M.C.; Alpha Omega Construction Group, Inc.; American Concrete And precast, Inc.; A/K/A ACP Concrete, Inc.; Atlanta Floor Designs Center; A Grade Above Others, LLC; BFK Builders, Inc.; BMC East LLC D/B/A Coleman Floor, LLC; Brand-Vaughn Lumber Co, Inc.; Bravo Carpenters, Inc.; Builders Designhouse, LLC; 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; Cannaday Siding & Gutter, Inc.; Caryl Mechanics II, Inc., A/K/A Caryl Mechanicals, Inc.; CBU Enterprises, Inc.; Cortes Painting, LLC; CPI Security Systems, Inc.; Dom Group, LLC; Dupree Plumbing Company, Inc.; Ferguson Enterprises, Inc.; Five Star Construction Inc.; Five Star Foundations, LLC; Galloway-Bell, Inc. A/K/A Galloway-Bell Inc. II; GBS Building Supply – Us LBM, LLC, F/K/A/GBS Building Supply, Inc.; General Shale Brick Inc.; Get Floored, LLC; Greener Pastures, Inc., A/K/A Greener Pastures of Aiken, LLC; 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.; Kings Landscaping, LLC; L&M Electric, Inc.; Lade-Danlar, Inc.; Landshapers, LLC; Lansing Building Products, Inc.; Long Heating & Air Conditioning, Inc.; M&L General Construction, LLC, A/K/A M&L General Construction, Inc.; M&L Reyna Construction, LLC; M&M Foundations, LLC; Manale Landscaping, LLC; MJ Cowboys, LLC; Nazareth Builders, LLC; NB Contractors, LLC; Poinsett Development, LLC; Poinsett Homes, LLC; P&L Enterprises, LLC; P&T Construction, Inc., A/K/A P&T Construction, Inc.; Probuild Company, LLC A/K/A Probuild Holdings, Inc.; Rite Rug Co.; Rodney Howard Grading, Inc. A/K/A Rodney Howard Grading Co.; Sandlapper Concrete, LLC; Silver Line Building Products Corporation; 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; UTM Enterprises, Inc; and Willow Tree Landscaping, Inc.,

Third-Party Defendants,

and

Aaron D. Peris; Harrelson Painting, LLC;  
Huttig Building Products; et al.,

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Natalie Zitek, individually, and on behalf of all  
others similarly situated and as assignee of the  
claims of Third-Party Plaintiff D.R. Horton,  
Inc.,

RESPONDENT.

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**PROOF OF SERVICE**

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The undersigned does hereby certify that on March 22, 2024, a copy of JLS Masonry, Inc.'s Motion for Extension to file and serve its Initial Brief and Designation of Matter has been served on all counsel of record via email.

ROSS & CRISTALDI, LLC

s/ Brenten H. DeShields  
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similarly situated and as assignee of the claims of  
Third-Party Plaintiff D.R. Horton, Inc.*

ROSS & CRISTALDI<sup>LLC</sup>  
ATTORNEYS AT LAW

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March 22, 2024

**VIA ELECTRONIC MAIL AND USPS**

The Honorable R. Scott Sprouse  
Clerk of Court  
South Carolina Court of Appeals  
[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

Re: Natalie Zitek v. DR Horton, et al.  
Case No.: 2019-CP-04-01942  
Appellate Case No.: 2024-000057

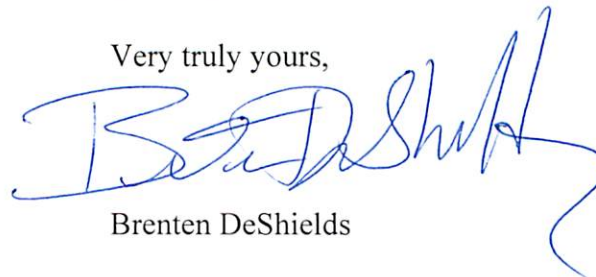
Dear Ms. Kitchings:

Pursuant to Section (b)(2) the Supreme Court's Oder Methods of Electronic filing and Service under Rule 262 of the South Carolina Appellate Court Rules (as amended May 6, 2022), please find enclosed for filing JLS Masonry, Inc.'s Motion for Extension to File and Serve It's Initial Brief and Designation of Matter with regard to the above referenced matter. By copy of this letter, I am serving on all counsel of record by email only pursuant to Section (d)(1) of the same Supreme Court Order. A check for \$50.00 has been placed in the mail for the filing fee.

Should you have any questions or concerns, please do not hesitate to contact me.

Thank you very much for your attention to the above.

Very truly yours,



Brenten DeShields

BHD/ab

Enclosures as stated.

cc: *All Counsel of Record (via email only, with enclosures)*