

RECEIVED

Apr 10 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.

CERTIFICATE OF SERVICE AND FILING

The undersigned does hereby certify that on April 10, 2024, a copy of **Galloway-Bell, Inc. a/k/a Galloway-Bell, Inc. II ‘s Initial Brief and Designation of Matter** pursuant to Rule 262 (c)(3), SCACR, and S.C. Supreme Ct. Order dated August 25, 2021 on the following counsel of record using the primary email address listed in the Attorney Information System (if applicable):

Carl F. Muller, Esq.
Carl F. Muller, Attorney at Law, P.A.
P.O. Box 1717
Greenville, SC 29602
carl@carlmullerlaw.com

-AND-

John T. Crawford Jr., Esq
Jason Imhoff, Esq.
F. James Wamoth, Esq.
David Lee Paavola, Esq.
Kenison, Dudley & Crawford, LLC
704 E. McBee Avenue
Greenville, SC 29601
crawford@conlaw.com

jimhoff@conlaw.com
warmoth@conlaw.com
paavola@conlaw.com
Attorneys for DR Horton

Respondent's POS for Initial Brief & Designation of Matter
Appellate Case No.: 2023-001681

ROSS & CRISTALDI, LLC

s/ Brenten H. DeShields
Jeffrey A. Ross, Bar No.: 74254
Brenten H. DeShields, Bar No.: 105199
863 Coleman Blvd. Ste. B
Mt. Pleasant, South Carolina 29464
Phone: (843) 329-4040
Email: jross@rclawsc.com
bdeshields@rclawsc.com
***Attorneys for Respondent Galloway-Bell,
Inc. a/k/a Galloway-Bell, Inc. II***

From: [Alyssa Belcher](#)
Sent: Wednesday, April 10, 2024 3:47 PM
To: carl@carlmullerlaw.com; [Kay Kelly](#); Crawford@conlaw.com; lmhoff@conlaw.com
Cc: [Jeff Ross](#); [Brenten DeShields](#); [Kaylee Negrin](#)
Subject: Appellate Case No.: 2023-001681
Attachments: 2024.04.10 BHD to Ct. App re Initial Brief and DOM.pdf; 2024.4.10 Respondent DOM.pdf; 2024.04.10 Galloway-Bell POS Initial Brief & DOM.pdf; 2024.4.10 Respondent's Initial Brief.pdf

Counselors,

Please see attached, Galloway-Bell, Inc. a/k/a Galloway-Bell Inc. II's Initial Brief, Designation of Matter, and Proof of Service, in the above matter being filed with the Court of Appeals.

Thank you,

Alyssa Belcher
Legal Assistant
Ross & Cristaldi, LLC
863 Coleman Blvd., Ste. B
Mt. Pleasant, SC 29464
(843) 329-4040
abelcher@rclawsc.com

*Please note our email address change – our entire firm will now be “first initial, last name @rclawsc.com”
Please note our firm address change*

This e-mail and the information transmitted herein may contain privileged and/or confidential information and is the property of the sender. If you are not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this information, or the taking of any action in reliance on the content of this email, is strictly prohibited. If you have received this e-mail in error, please immediately contact Erin Welk at Ross & Cristaldi, LLC, (843) 329-4040, and please delete the original email, all attachments and any copies thereof.

ROSS & CRISTALDI^{LLC}
ATTORNEYS AT LAW

Jeffrey A. Ross
Philip P. Cristaldi, III
Scott H. Winograd*
Emily C. Sheets
Brenten H. DeShields
Danielle C. Wilson

Brenten H. DeShields
863 Coleman Blvd., Ste. B
Mt. Pleasant, SC 29464
bdeshields@rclawsc.com
(843) 329-4040

April 10, 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 find Galloway-Bell, Inc. a/k/a Galloway-Bell, Inc. II's Initial Brief and Designation of Matter.

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)