

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

The Honorable R. Scott Sprouse, Circuit Court Judge

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

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.

**JLS MASONRY, INC.’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, 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 May 3, 2024. JLS files this motion seeking an extension due to the extensive nature of this appeal and the underlying trial. In part, the reason for this request is additional counsel was recently retained on behalf of JLS, and JLS would respectfully request the extension to allow co-counsel adequate time to review the transcripts and related documents. According to my calculation, Appellant’s Initial Brief and Designation of Matter would be due on June 3, 2024.

Signature Page to Follow

Respectfully submitted,

s/ Brenten H. DeShields

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Mount Pleasant, South Carolina
April 25, 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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Apr 25 2024

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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

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Huttig Building Products; et al.,

Fourth- and Fifth-Party
Plaintiffs and Defendants,

Of whom
JLS Masonry, Inc., is the

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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.

PROOF OF SERVICE

The undersigned does hereby certify that on April 25, 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.*

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Apr 25 2024

SC Court of Appeals

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April 25, 2024

VIA ELECTRONIC MAIL AND USPS

The Honorable R. Scott Sprouse
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South Carolina Court of Appeals
ctappfilings@sccourts.org

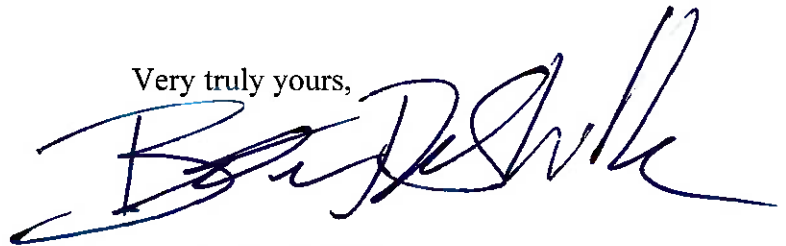
Re: Natalie Zitek v. DR Horton, et al.
Case No.: 2019-CP-04-01942
Appellate Case No.: 2024-000057

Dear Ms. Kitchings:

Pursuant to Section (b)(2) the Supreme Court's Order 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 its 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.

Very truly yours,



Brenten H. DeShields

BHD/ab
Enclosures (as stated above)
cc: All Counsel of Record (via email, with enclosures)