

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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May 13 2024

SC Court of Appeals

APPEAL FROM ANDERSON COUNTY  
Court of Common Pleas

Hon. R. Scott Sprouse, Circuit Court Judge

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Trial Court Case No. 2019CP041942  
Appellant Case No. 2023-001681

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Natalie Zitek, individually, and on behalf of  
all others similarly situated, ..... Plaintiff,

AND

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 Landscaping & Grading LLC, A/K/A AJ Landscaping  
& Grading, Inc; 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-Vaughn  
Lumber Co., Inc.; BFK 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 Buildings 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., and Silver Line Building Products Corporation, .....

Third-Party Defendants,

of which Galloway-Bell, Inc. a/k/a Galloway-Bell,  
Inc. II is the .....

Respondent

AND

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

Appellant

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PROPOSED SUPPLEMENTAL DESIGNATION OF RECORD ON APPEAL REPLY BRIEF

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PROPOSED SUPPLEMENTAL DESIGNATION OF RECORD ON APPEAL REPLY BRIEF  
Horton Appellant – Respondent Galloway  
Appeal 2023-001681

1. D.R. Horton Second Amended Answer and Third-Party Complaint filed February 23, 2022
2. Transcript 9/1/2023, pages 20-22; 63-68
3. Transcript 7/20/2023 – 7/21/2023, pages 14-15; 68-73; 94; 115-117; 165-170
4. Transcript 9/11/2023 – 9/15/2023, pages 713-722; 724-731; 862-864; 868; 933-934
5. JLS Masonry contract with D.R. Horton, filed September 22, 2023
6. JLS Masonry Inc's Notice of Motion, Motion, and Memorandum in Support Thereof For Judgment Not Withstanding the Verdict or New Trial As To All Claims Asserted By Third-Party Plaintiff D.R. Horton, Inc., filed September 22, 2023
7. Form 4 Order filed November 8, 2023
8. Order Denying Third-Party Defendant JLS Masonry, Inc. Motion for Reconsideration, filed December 12, 2023
9. Verdict filed September 19, 2023
10. JLS Masonry, Inc.'s Notice of Motion, Motion to Reconsider, and Memorandum in Support Thereof, filed November 20, 2023
11. H. 4048, 2022, 124<sup>th</sup> Sess. (S.C. effective date May 13, 2022)
12. N.C. §22-B-1(c)
13. S.C. Code Ann. §1-11-440 (repealed May 13, 2022)
14. S.C. Code Ann. §12-4-325 (repealed May 13, 2022)
15. S.C. Code Ann. §32-2-10
16. Galloway Answer
17. Order Granting Plaintiff's Motion for Class Certification and Denying Defendant's Motion to Compel Arbitration, filed January 27, 2021
18. Plaintiff Complaint, filed September 25, 2019
19. Order, filed November 3, 2022
20. Galloway-Bell, Inc. A/K/A Galloway-Bell, Inc. II's Answer to the Third-Party Complaint of D.R. Horton, Inc. as Asserted in its Second Amended Answer to Plaintiff's Company, filed March 8, 2022
21. Order, filed November 3, 2022
22. Defendant D. R. Horton, Inc.'s Memorandum In Opposition To Third-Party Defendants Five Star Foundations, LLC, Long Heating & Air Conditioning, Inc., Caryl Mechanics II, Inc. a/k/a Caryl Mechanicals, Inc., Alpha Omega Construction Group, Inc., General Shale Brick, Inc., P&T Construction, Inc., King's Landscaping & Grading, LLC, AJ Landscaping & Grading, LLC, Landshapers, LLC, Rite Rug Company, Inc., a/k/a Rite Rug Co., Atlanta Floor Designs Center, Allpro Textures, LLC and Manale Landscaping, LLC's Motions For Summary Judgment, filed September 7, 2022