

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

Hon. Bentley D. Price, Circuit Court Judge

Case No. 2019CP0702629  
Appellate Case No. 2022-000469

Margaret A. Eberly and Barbara J. Pavelik, ..... Plaintiffs,  
v.

Advanced Flooring & Design Division of ISI, LLC; Archer Exteriors, Inc.;  
Crossroads Enterprises, LLC; D.R. Horton, Inc.; East Coast Construction  
Cleanup Corp.; Hutton’s Landscapes, Inc.; Lather Construction SC, Inc.;  
Lather Construction, Inc.; Professional Drywall & Paint Services, LLC;  
Professional Exteriors II, LLC; and Valim Construction, LLC, ..... Defendants,

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

And

Hutton’s Landscapes, Inc.; Lather Construction SC, Inc.; and  
Lather Construction, Inc., are the ..... Respondents

APPELLANT D.R. HORTON DESIGNATION OF RECORD

Designation of Record of Appellant D.R. Horton

1. Form 4 Order filed March 11, 2022
2. D.R. Horton , Inc.'s Motion to Alter or Amend Judgment, filed March 18, 2022
3. Order Denying Motion to Alter or Amend Judgment, filed March 24, 2022
4. Notice of Appeal with Orders filed April 11, 2022
5. Amended Notice of Appeal with Orders filed April 28, 2022
6. Court of Appeals Order Dismissing Appeal filed July 21, 2022
7. South Carolina Supreme Court Order filed April 24, 2024
8. Amended Complaint, filed December 19, 2019
9. Defendant D. R. Horton, Inc.'s Answer to Plaintiffs' Amended Complaint and Further Asserting Its Crossclaims Against Co-Defendants, filed November 9, 2020
10. Defendant Lather Construction, Inc. and Lather Construction, SC, Inc.'s Answer to Amended Complaint, filed March 9, 2020
11. Hutton's Landscapes, Inc.'s Answer to Amended Complaint, filed March 27, 2020
12. Hutton's Landscape's, Inc.'s Motion for Summary Judgment on the Cross-Claims of D. R. Horton, Inc., filed December 9, 2021
13. Defendant Lather Construction, Inc. and Lather Construction, SC, Inc.'s Joinder in Hutton's Landscapes, Inc.'s Motion for Summary Judgment, filed January 3, 2022
14. Defendant Lather Construction, Inc. and Lather Construction, SC, Inc.'s Memorandum in Support of Hutton's Landscapes, Inc.'s Motion for Summary Judgment, filed February 28, 2022
15. Defendant Lather Construction, Inc. and Lather Construction, SC, Inc.'s Answer to D.R. Hutton's Landscapes, Inc.'s Cross-Claims, filed November 23, 2020
16. Hutton's Landscapes, Inc.'s Answer to D.R. Horton's Cross-Claims, filed December 8, 2020
17. D.R. Horton Bench Memo, filed March 3, 2022
18. Transcript, March 3, 2022
19. Defendant Lather Construction, Inc. and Lather Construction, SC, Inc.'s contract
20. Hutton's Landscapes, Inc.'s contract
21. [Article I – WORK 1.01, Document 00505 Standard Form of Agreement Between Owner and Contractor
22. *Richard W. and Rebecca A. Dreier, et al v. Advanced Flooring & Design et al including D. R. Horton, Inc.*, 2018-CP-07-00911, now on appeal in the Court of Appeals as App. Case No. 2022-000016
  - A. D.R. Horton Final Brief
  - B. D.R. Horton Final Reply Brief
  - C. Record on Appeal pages 698, 679, 733, 734, 828-829, 878, 680, 676-677, 678-723, 574-579, 564-565, 702-703, 722, 704-705, 717, 894, 944-945, 700, 681-688, 882, 398-399
  - D. Order filed November 12, 2021
  - E. Hutton's Landscapes, Inc.'s Motion for Summary Judgment on the Cross-Claims of D. R. Horton, Inc. filed October 19, 2021

- F. Lather Construction, Inc. and Lather Construction SC, Inc.'s Motion for Summary Judgment as To Claims of D. R. Horton, Inc. filed October 8, 2021
- G. Trial testimony *Dreier*, Vol. IV p. 414, line 13-p. 415, line 16
- H. Hutton's Landscapes, Inc.'s Memorandum of Law in Support of its Motion for Summary Judgment on the Cross-Claims of D. R. Horton, Inc.. (Pp. 1-4 and Ex. A. Contract
- I. Defendant Lather Construction SC, Inc.'s Motion for Summary Judgment As To Claims of Plaintiffs and D. R. Horton, Inc., including Exhibits D and F
- J. Trial Proceedings in *Dreier*, on November 15, 2021, p. 33, line 23 – p. 35, line 10
- K. Lather Notice of Bankruptcy Stay, filed March 10, 2020
- L. *Dreier* Transcript Vol. IV, p. 414 – 415
- M. Ronald Brunner Deposition p. 12 and pages 178-179

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