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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. 2019CP041942
Appellant Case No. 2023-001401

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, Defendant,

D.R. Horton, Inc., Appellant,

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 Contractors Service; Tucker Materials,
Inc., A/K/A Gypsum; UTM Enterprises, Inc.; Dupree
Plumbing Company, Inc.; Willow Tree Landscaping,
Inc.,

Third-Party Defendants,

of which Builder Services Group (f/k/a Masco Contractor
Services Central Inc. f/k/a Gale Industries, Inc. d/b/a Gale
Contractors Services) and IBP Assets, LLC d/b/a Blue
Ridge Building Products are the

Respondents.

REVISED SUPPLEMENTAL DESIGNATION OF RECORD ON APPEAL REPLY BRIEF

REVISED SUPPLEMENTAL DESIGNATION OF RECORD ON APPEAL REPLY BRIEF
Appellant Horton – Respondents IBP and Gale
Appeal 2023-001401

1. D.R. Horton Second Amended Answer and Third-Party Complaint filed February 23, 2022
2. Removed
3. Transcript 7/20/2023-7/21/2023, pages pages14-15; 68-73; 94; 115-117; 165-170
4. Removed
5. Removed
6. Removed
7. Removed
8. Removed
9. Removed
10. Removed
11. H. 4048, 2022, 124th 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. Order Granting Plaintiff's Motion for Class Certification and Denying Defendant's Motion to Compel Arbitration, filed January 27, 2021
17. IBP Asset, LLC d/b/a Blue Ridge Building Products' Answer to D.R. Horton Inc.'s Second Amended Answer and Third-Party Complaint filed March 1, 2022
18. Plaintiff Complaint, filed September 25, 2019
19. Order, filed November 3, 2022
20. Builder Services Group, Inc., D/B/A Gale Contractor Services' Answer to D.R. Horton, Inc.'s Second Amended Third-Party Complaint, filed February 28, 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
23. Form 4 Order Denying Motion for Summary Judgment by 3rd Party Defendants JLS Masonry, Inc., MJ Cowboys, LLC and M&L Reyna Construction LLC against D.R. Horton, filed July 28, 2023.
24. JLS Masonry, Inc. Motion for Summary Judgment, Filed May 1, 2023.
25. JLS Masonry Inc.'s Memorandum in Support of Its Motion for Summary Judgment with Exhibit A, filed July 11, 2023.

26. JLS Masonry, Inc. Notice of Motion and Rule 59(e) Motion to Reconsider and/or to Alter or Amend the Order Denying JLS Masonry's Motion for Summary Judgment, filed August 7, 2023.

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A&J Landscaping & Grading LLC, A/K/A AJ Landscaping
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Construction Group, Inc.; American Concrete and
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LLC, A/K/A Builders Firstsource Inc.; Bravo Carpenters,
Inc.; Caryl Mechanics II, Inc.; Caryl Mechanicals, Inc.;
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Third-Party Defendants,

of which Builder Services Group (f/k/a Masco Contractor Services Central Inc. f/k/a Gale Industries, Inc. d/b/a Gale Contractors Services) and IBP Assets, LLC d/b/a Blue Ridge Building Products are the

Respondents.

PROOF OF SERVICE

The undersigned does hereby certify that on September 6, 2024, a copy of Appellant D.R. Horton, Inc.'s Revised Supplemental Designation of Record on Appeal Reply Brief was served by email on all counsel of record by copy of this email and filed by electronic mail with the Clerk of Court for the South Carolina Court of Appeals.

Other Counsel of Record:
 Alicia N. Bolyard, Esquire
 Resnick & Louis, P.C.
 146 Fairchild Street, Suite 130
 Charleston, SC 29492
 843-647-7114
abolyard@rlattorneys.com

***Attorneys for Respondent/Third-Party Defendant Builder Services Group, LLC
 f/k/a Masco Contractor Services Central, Inc. f/k/a Gale Industries, Inc.
 d/b/a Gale Contractor Services***

Everett A. Kendall, II, Esquire
Timothy J. Newton, Esquire
Murphy & Grantland, P.A.
4406-B Forest Drive
Columbia, SC 29206
803-782-4100

rkendall@murphygrantland.com

tnewton@murphygrantland.com

***Attorneys for Respondent/Third-Party Defendant Installed Building Products, LLC
a/k/a Installed Building Products II, LLC; and IBP Asset, LLC
d/b/a Blue Ridge Building Products, LLC***

*s/Carl F. Muller, SC Bar #4131
Carl F. Muller, Attorney-at-Law, P.A.
PO Box 1717
Greenville, SC 29602-1717
864-991-8904 Phone
864-751-2831 FAX
carl@carlmullerlaw.com
Attorney for Appellant
D. R. Horton, Inc.*