

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

Appellate Case No. 2024-000057  
Circuit Court Case No. 2019-CP-04-01942

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 Defendants,  
of whom

JLS Masonry, Inc. is the ..... Appellants.

and.

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,

---

**APPELLANT’S MOTION FOR EXTENSION OF TIME**

---

Pursuant to Rule 240, SCACR, Appellant requests an extension of the deadline for filing and serving their Initial Reply Brief and Designation of Matters to Include in the Record on Appeal. The current deadline is September 23, 2024. Appellant requests the Court extend the date for an additional (30) thirty days, setting the Appellant's deadline to file their Initial Reply Brief and Designation of Matters to October 23, 2024. This extension is necessary because of the Appellant's workload and Supreme Court briefing deadlines. This is Appellant's first extension request. Appellant's counsel has conferred with and obtained the consent of Respondents' counsel.

Respectfully submitted,

Dated: September 18, 2024

By s/Nosizi Ralephata  
Nosizi Ralephata (SC 72484)  
E-mail: nralephata@grsm.com  
GORDON REES SCULLY  
MANSUKHANI  
677 King Street, Suite 450  
Charleston, SC 29403  
Telephone: (843) 278-5900

Jeffrey A. Ross (SC 74254)  
Email: jross@rclawsc.com  
ROSS & CRISTALDI  
863 Coleman Blvd. Ste B  
Mt. Pleasant, SC 29464  
Telephone: (843) 329-4040

*Attorneys for Appellant JLS Masonry, Inc.*

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

Appellate Case No. 2024-000057  
Circuit Court Case No. 2019-CP-04-01942

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,

---

**PROOF OF SERVICE**

---

I, the undersigned of the law offices of Gordon Rees Sculls Mansukhani LLP, does hereby certifies that I served JLS Masonry, Inc.’s Motion for Extension of Time via email on counsel of record via email as listed below:

Justin O'Toole Lucey, Esq.  
Dabney Lynn, Esq.  
Sohayla R. Townes, Esq.  
Amanda Nicole Funai, Esq.  
Justin O'Toole Lucey, PA  
415 Mill Street  
Mount Pleasant, SC 29464  
jlucey@lucey-law.com  
dlynn@lucey-law.com  
stowes@lucey-law.com  
afunai@lucey-law.com

*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.*

Dated: September 18, 2024

By: s/Nosizi Ralephata.