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Oct 18 2024

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.

APPELLANT’S MOTION TO HOLD FINAL BRIEFING IN ABEYANCE PENDING A
 DECISION ON IBP ASSETS, LLC’S D/B/A BLUE RIDGE BUILDING
 PRODUCTS’ REQUEST FOR CLARIFICATION

Appellant D.R. Horton requests that the Court hold final briefing in abeyance pending a
 decision on IBP Assets, LLC’s D/B/A Blue Ridge Building Products’ Request for Clarification.
 IBP made a similar request in its Motion, to which Appellant did not object. In Response to
 IBP’s Motion, Appellant requested that certain sentences be stricken from Respondents’ Briefs

and requested to supplement the Record on Appeal. Both parties also asked for the date referenced in the Order to be clarified.

It would be helpful to the parties to have these issues resolved before the Final Briefs and the Record on Appeal are finalized and the appeal is determined ready for consideration.

Accordingly, Appellant requests that the final Record on Appeal be due 20 days after the Court's Order on IBP Assets, LLC's D/B/A Blue Ridge Building Products Request for Clarification and the Final Briefs for all parties be filed 15 days after the Record on Appeal is served.

October 17, 2024

Respectfully,

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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., 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 October 18, 2024 a copy of Appellant D.R. Horton, Inc.’s Motion To Hold Final Briefing In Abeyance Pending A Decision On IBP Assets, LLC’s D/B/A Blue Ridge Building Products’ Request For Clarification 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.

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