

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 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  
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, 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. 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 3<sup>rd</sup> 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.
27. MJ Cowboys LLC's Motion for Summary Judgment, filed May 1, 2023.
28. Third Party Defendant M&L Reyna Construction, LLC's Notice of Motion and Motion for Summary Judgment, filed May 1, 2023.
29. Third Party Defendant M&L Reyna Construction, LLC's Memorandum in Support of its Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment, filed July 11, 2023 and Exhibit A, M&L Reyna Construction, LLC's Independent Contractor Agreement.
30. MJ Cowboys LLC's Memorandum in Support of its Motion for Summary Judgment, filed July 11, 2023 and Exhibit A, MJ Cowboys LLC's Independent Contractor Agreement.
31. M&M Foundations, LLC's Notice of Motion and Rule 59(e) Motion to Reconsider and/or Alter or Amend the Order Denying M&M's Motion for Summary Judgment, filed August 7, 2023.
32. M&L Reyna Construction, LLC's Notice of Motion and Motion for Reconsideration and/or to Alter or Amend Pursuant to Rule 59(e), SCR, filed August 7, 2023.
33. MJ Cowboys LLC's Notice of Motion and Rule 59(e) Motion to Reconsider and/or Alter or Amend the Order Denying MJ Cowboys LLC's Motion for Summary Judgment, filed August 7, 2023.
34. Nazareth Builders, LLC's Motion for Reconsideration of the Court's July 29, 2023 Order Denying Summary Judgment, filed August 7, 2023.
35. Defendant D.R. Horton, Inc.'s Memorandum in Opposition to M&L Reyna Construction, LLC's Motion for Reconsideration and/or to Alter or Amend Pursuant to Rule 59(e), SCR, filed August 17, 2023.