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Nov 20 2024

SC Court of Appeals

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 the Record on Appeal. It has recently come to the attention of Appellant that the entire Hearing Transcript (“Transcript”) was not received by prior counsel for Appellant. We have been

worked diligently with prior counsel and the Court to obtain missing exhibits to the Transcript but have just received them. The current deadline is November 22, 2024. Appellant requests the Court extend the date for an additional (10) ten days, setting the Appellant's deadline to file and serve the Record on Appeal to December 2, 2024. This extension is necessary because of the size of the Record on Appeal and the fact they all of the Transcript exhibits were just received, the Appellant cannot compile the Record on Appeal within the current timeframe. This is Appellant's first extension request. Appellant's counsel has conferred with and obtained the consent of Respondents' counsel.

Respectfully submitted,

Dated: November 20, 2024

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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:

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*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: November 20, 2024

By: s/Nosizi Ralephata.