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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM JASPER COUNTY
Court of Common Pleas

Maite Murphy, Circuit Court Judge

Case No.: 2021-CP-27-00069
Appellate Case No. 2025-001116

Mark W. McGilton, Respondent,

v.

1223 May River Road, LLC, D.R. Horton, Inc., and
Lotty Trucking, LLC f/k/a Ramos Trucking, LLC, Defendants,

of which D.R. Horton, Inc. is the Appellant,

AND

1223 May River Road, LLC, Third-Party Plaintiffs,

v.

Kenneth Scott Builders, Inc., Third-Party Defendants.

INITIAL DESIGNATIONS OF MATTER OF APPELLANT

Appellant D.R. Horton, Inc. (“D.R. Horton”) proposes the following be included in the Record on Appeal:

Plaintiff’s Complaint and Summons, filed February 17, 2021.

Answer of 1223 May River Road, LLC and Motion to Dismiss, filed March 19, 2021.

Plaintiff Motion for Entry of Default as to Defendant Lotty Trucking, LLC, f/k/a Ramos Trucking, LLC, filed March 22, 2021.

D.R. Horton, Inc. Answer to Complaint, filed April 14, 2021.

Amended Answer of 1223 May River Road, LLC, Motion to Dismiss, and Third Party Plaintiff’s Complaint Against Kenneth Scott Builders, filed April 15, 2021.

Defendants D.R. Horton, Inc., and 1223 May River Road, LLC’s Notice of Motion and Motion to Transfer Venue, filed April 16, 2021.

D.R. Horton, Inc.’s Motion for Summary Judgment as to Plaintiff Mark McGilton, filed May 21, 2024.

Kenneth Scott Builders, LLC’s Answer to 1223 May Rivers Road, LLC’s Third-Party Complaint, filed May 27, 2021.

Plaintiff’s Motion to Compel D.R. Horton, Inc., and Motion for Sanctions Per Rule 37 (d), SCRCP, Against Defendant D.R. Horton, Inc., filed November 4, 2021.

D.R. Horton, Inc.’s Notice of Motion and Motion to Stay Discovery, filed August 3, 2022.

D.R. Horton, Inc.’s Motion to Amend Answer, filed August 4, 2022.

Plaintiff’s Memorandum in Opposition to Motion to Change Venue, August 15, 2022.

D.R. Horton, Inc.’s Memorandum in Support of Its Motion to Amend, filed August 16, 2022.

D.R. Horton, Inc.’s Memorandum in Support of Its Motion to Stay Discovery and In Opposition to Plaintiffs’ Motion to Compel and for Sanctions, filed August 16, 2022.

D.R. Horton, Inc.’s Memorandum in Support of Its Motion to Transfer Venue, filed August 16, 2022.

D.R. Horton, Inc.’s Amended Memorandum in Support of its Motion to Transfer Venue, filed August 16, 2022.

Plaintiff's Memorandum in Support of its Motion to Compel and For Sanctions, filed August 17, 2022.

Consent Order, filed September 20, 2022 (Discovery and Venue).

Order Granting Motion to Amend, filed October 26, 2022.

Order of Dismissal of 1223 May River Road, LLC, filed October 26, 2022.

D.R. Horton, Inc.'s Summons and Amended Answer and Third-Party Complaint, filed October, 26, 2022.

Kenneth Scott Builders, LLC's Answer to D.R. Horton, Inc.'s Third Party Complaint, filed November 22, 2022.

Plaintiff's Renewed Motion to Compel D.R. Horton, Inc. and Rule to Show Cause Regarding Sanctions Per Rule 37(d), SCRCP, filed October 17, 2023.

Consent Scheduling Order, filed January 17, 2024.

Order Granting Plaintiff's Motion to Compel, For Sanctions, and Holding D.R. Horton in Contempt, filed March 5, 2024.

Third-Party Defendant Kenneth Scott Builder's Motion for Summary Judgment, filed March 29, 2024.

D.R. Horton, Inc.'s Motion for Summary Judgment as to Plaintiff McGilton, filed May 21, 2024.

Third-party Defendant Kenneth Scott Builder's Memorandum in Support of its Motion for Summary Judgment, filed May 23, 2024.

D.R. Horton, Inc.'s Memorandum in Support of its Motion for Summary Judgment as to Plaintiff McGilton, filed May 29, 2024.

D.R. Horton, Inc.'s Memo in Opposition to Kenneth Scott Builders' Motion for Summary Judgment as to D.R. Horton, Inc.'s Claims, filed May 29, 2024.

Plaintiff McGilton's Memorandum in Opposition to D.R. Horton's Motion for Summary Judgment, filed May 29, 2024.

Affidavit of Alfredo Uriostegui, dated April 10, 2017, filed May 30, 2024.

Order, Form 4, Denying Plaintiff and Defendant Motions for Summary Judgment, filed June 4, 2024.

D.R. Horton, Inc.'s Notice of Motion and Motion to Amend Scheduling Order, filed June 6, 2024.

D.R. Horton, Inc.'s Memorandum in Support of its Motion to Extend Scheduling Order, filed June 10, 2024.

Order, filed June 13 2024 (amending scheduling Order).

D.R. Horton, Inc.'s Motion to Reconsider, Alter Or Amend Order on its Motion for Summary Judgment, filed June 13, 2024.

Plaintiffs' Motion For Rule To Show Cause, to Strike, and for Contempt per Rule 37(d), SCRCF, Against D.R. Horton, Inc., For continuing Violations of Orders Dated Sept. 22, 2022, March 5, 2024, and June 13, 2024 was filed August 19, 2024.

Order, Form 4, filed August 28, 2024 (scheduling).

D.R. Horton, Inc.'s Motion for Costs and Sanctions Against Plaintiff, filed September 4, 2024.

Plaintiff McGilton's Offer of Judgment, filed October 3, 2024.

Plaintiff McGilton's Memorandum in Support of Motion for Rule to Show Cause, Consolidated Memorandum of Discovery Motions Against D.R. Horton, Inc. and Memorandum in Opposition to Defendant D.R. Horton, Inc.'s Motion for Costs and Sanctions Against Plaintiff, filed October 14, 2024.

Affidavit of John Crawford, filed October 11, 2024.

D.R. Horton, Inc.'s Memorandum in Opposition to Plaintiff's Motion for Rule to Show Cause To Strike and for Contempt Per Rule 37(d), SCRCF, Against D.R. Horton, Inc. For Continuing Violations of Order Dated Sept. 22, 2022, March 5, 2022, and June 13, 2024, filed October 16, 2024.

Affidavit of Jason M. Imhoff, filed October 16, 2024.

D.R. Horton, Inc.'s Memorandum in Support of Motions for Sanctions Per Rule 37(d), SCRCF, Against Plaintiff, filed October 16, 2024.

Letter and Deposition of Jared O'Sako, filed October 17, 2024.

Letter, filed October 18, 2024.

Consent Scheduling Order, filed December 13, 2024.

D.R. Horton, Inc.'s Response and Objections to Plaintiff's Proposed Order on Rule To Show Cause, to Strike Pleadings and for Contempt, filed December 23, 2024.

Plaintiff McGilton's Reply to D.R. Horton, Inc.'s "Response," filed January 1, 2025.

Order, January 15, 2025.

Application and Motion For Judgment and Damages Hearing as to Defendant D.R. Horton, Inc., filed January 16, 2025.

D.R. Horton, Inc.'s Motion to Reconsider, Alter or Amend the Order Granting Plaintiff's Motion For Rule to Show Cause, to Strike, and for Contempt, filed January 27, 2025.

Plaintiff's Return to Defendant D.R. Horton, Inc.'s Motion for Reconsideration, filed February 24, 2025.

D.R. Horton, Inc.'s Reply in Support of Motion to Reconsider, Alter or Amend the Order Granting Plaintiff's Motion for Rule to Show Cause, to Strike, and for Contempt, filed March 31, 2025.

Order Granting in Part and Denying Part Defendant's Motion to Reconsider, Alter, or Amend, filed June 3, 2025.

Plaintiff McGilton's Offer of Judgment, filed June 4, 2025.

Notice of Appeal, filed June 5, 2025.

I certify that this designation contains no matter that is irrelevant to this appeal.

August 13, 2025

s/Carl F. Muller
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