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**Nov 13 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
The Honorable Martha M. Rivers

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Circuit Court Case No. 2024-CP-40-03510  
Appellate Case No. 2024-001963

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Sherman and Claudia Howell, .....Respondents,

v.

D.R. Horton, Inc., .....Appellant.

AND

D.R. Horton, Inc., .....Third-Party Plaintiff,

v.

Jenkins Plumbing Company, LLC, Caryl  
Mechanicals II, Inc., L&M Electric, Inc.,  
Unique Stone Creations, M&L General  
Construction, Inc., Alpha Omega Construction  
Group, Inc., and ASC Services and Supply, Inc., .....Third-Party Defendants.

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MOTION TO DISMISS APPEAL

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Pursuant to Rule 260, SCACR, Appellant D.R. Horton, Inc. hereby moves to dismiss its appeal in the above-captioned case. Appellant’s counsel has consulted with counsel for

Respondents regarding dismissal of the appeal in this and seven similar cases.<sup>1</sup> The parties have agreed to dismissal in the other cases and have submitted a stipulation to the Court pursuant to Rule 260(b), SCACR. (Letter from John T. Crawford, Jr. to the Hon. Jenny Abbot Kitchings, Clerk of Court, South Carolina Court of Appeals (Nov. 13, 2025), attached hereto as **Exhibit A.**)

However, the parties have been unable to agree upon the terms of dismissal in this matter. Therefore, under Rule 260(c), SCACR, Appellant moves that the appeal be dismissed “upon such terms as may be fixed by the court.”

Sincerely,

s/ David L. Paavola

John T. Crawford Jr., SC Bar No.: 69682

Kimila L. Wooten, SC Bar No.: 64516

David L. Paavola, SC Bar No.: 100714

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*Attorneys for Appellant*

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<sup>1</sup> *Steven D. Abatiello v. D.R. Horton, Inc.*, Appellate Case No. 2025-001781;  
*Jane E. Faherty v. D.R. Horton, Inc.*, Appellate Case No. 2025-001802;  
*Matthew Henry v. D.R. Horton, Inc.*, Appellate Case No. 2025-001803;  
*Lawrence S. Marcuson v. D.R. Horton, Inc.*, Appellate Case No. 2025-001785;  
*Teela Miles v. D.R. Horton, Inc.*, Appellate Case No. 2025-001804;  
*Amanda L. Wildy v. D.R. Horton, Inc.*, Appellate Case No. 2025-001786;  
*Michael English, Jr. v. D.R. Horton, Inc.*, Appellate Case No. 2025-001783.

November 13, 2025

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November 13, 2025

**VIA EMAIL ONLY**

South Carolina Court of Appeals  
The Hon. Jenny Abbott Kitchings, Clerk of Court  
1220 Senate Street  
Columbia, South Carolina 29201

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**Nov 13 2025**

**SC Court of Appeals**

RE: Steven D. Abatiello v. D.R. Horton, Inc. (Appellate Case No. 2025-001781)  
Jane E. Faherty v. D.R. Horton, Inc. (Appellate Case No. 2025-001802)  
Matthew Henry v. D.R. Horton, Inc. (Appellate Case No. 2025-001803)  
Lawrence S. Marcuson v. D.R. Horton, Inc. (Appellate Case No. 2025-001785)  
Teela Miles v. D.R. Horton, Inc. (Appellate Case No. 2025-001804)  
Amanda L. Wildy v. D.R. Horton, Inc. (Appellate Case No. 2025-001786)  
Michael English, Jr. v. D.R. Horton, Inc. (Appellate Case No. 2025-001783)

Dear Ms. Kitchings:

Appellant D.R. Horton, Inc. (“D.R. Horton”) and Respondents in the above-listed cases have agreed that the appeals in these matters should be dismissed, with each party to pay its own costs. Therefore, pursuant to Rule 260(b), SCACR, D.R. Horton and Respondents request that the Clerk enter orders of dismissal in these cases, consistent with the above.

In so stipulating, D.R. Horton acknowledges that it waives its right to seek arbitration in the above cases.

s/John T. Crawford Jr.

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v.

Jenkins Plumbing Company, LLC, Caryl  
Mechanicals II, Inc., L&M Electric, Inc.,  
Unique Stone Creations, M&L General  
Construction, Inc., Alpha Omega Construction  
Group, Inc., and ASC Services and Supply, Inc., .....Third-Party Defendants.

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PROOF OF SERVICE

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The undersigned does hereby certify that on November 13, 2025, Appellant’s Motion to Dismiss Appeal was served by email on all counsel of record as follows. A copy of the sent email is enclosed as **Exhibit 1** with this Proof of Service.

The undersigned certifies that Appellant's Motion to Dismiss Appeal was served by U.S. Mail on the Third-Party Defendants L&M Electric, Inc. and Unique Stone Creations, addressed as follows:

L&M Electric, Inc.  
Roger J. Lee, RA  
7356 Williams Rd.  
Flowery Branch, GA 30542

Unique Stone Creations  
Cristobal Cortes, RA  
319 East Houston Street  
Monroe, NC 28112

s/ David L. Paavola

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November 13, 2025

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