

THE STATE OF SOUTH CAROLINA
In the Supreme Court

RECEIVED

Nov 19 2025

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

S.C. SUPREME COURT

Case No. 2024-CP-40-03510

Appellate Case No. 2024-001963

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.

**RESPONDENTS' RETURN IN OPPOSITION TO
APPELLANT'S MOTION TO DISMISS**

Appellant D.R. Horton, Inc.'s November 13, 2025, Motion to Dismiss this Appeal should be denied.

This central question in this appeal is the enforceability of a putative arbitration provision contained with D.R. Horton's standard form home purchase agreement. Rule 240(c)(2), SCACR,

provides that all “motions . . . filed in an appellate court . . . shall include” “[a] memorandum with citation of authorities in support of the motion.” Here, the *de minimis* support relied on by D.R. Horton is [i.] the text of Rule 260(c), SCACR (providing that an appeal “may be dismissed on motion of the appellant”); and [ii.] that “[t]he parties have agreed to dismissal” in several “other cases” involving D.R. Horton as Appellant. These “other cases” all involve a dispute over the same putative arbitration provision present here.¹

Regardless of this Court’s ultimate ruling on D.R. Horton’s stipulation to dismiss the “other cases,” this case, *Howell*, “involves an issue of significant public interest” and “a legal principle of major importance” and should not be dismissed. Rule 204(b), SCACR.²

Appellant D.R. Horton promotes itself as “America’s Largest Homebuilder” (R. p. 142) and, as previously conveyed to this Court, at present, there are (at least) over 60 cases pending before the Courts of this State or in arbitration that each implicate the enforceability of the putative arbitration agreement just like the one at issue here in *Howell*. See **Exhibit A** (October 30, 2025, Letter to the Supreme Court). Furthermore, it is anticipated that these cases are just the tip of the iceberg of “new filings” that will arise in the coming months filed by many of the thousands of D.R. Horton homeowners located in South Carolina. *Id.*

¹ *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.

² A stipulation affected by this Court’s grant of certification in these other cases under Rule 204(b), SCACR (“In any case which is pending before the Court of Appeals, the Supreme Court may, in its discretion . . . certify the case for review by the Supreme Court before it has been determined by the Court of appeals. Certification is normally appropriate where the case involves an issue of significant public interest or a legal principle of major importance.”).

This Court has long recognized the prudence of judicial consideration of questions of similar importance and significance. *See, e.g., Toler's Cove Homeowners Ass'n, Inc. v. Trident Const. Co.*, 355 S.C. 605, 611, 586 S.E.2d 581, 585 (2003) (considering order granting a motion to compel arbitration not otherwise ready for appellate review “because appellant’s issues are capable of repetition and need to be addressed”); *ATC S., Inc. v. Charleston Cnty.*, 380 S.C. 191, 199, 669 S.E.2d 337, 341 (2008) (a “public need for court resolution for future guidance” can justify an appellate court’s consideration of a case, even where standing might not otherwise exist); *Sloan v. Greenville Cnty.*, 361 S.C. 568, 570, 606 S.E.2d 464, 465 (2004) (even when a case might otherwise be moot, “an appellate court may decide questions of imperative and manifest urgency to establish a rule for future conduct in matters of important public interest.”) (internal citations omitted); *see also* Rule 1, SCRCP (providing that the Rules “shall be construed to secure the just, speedy, and inexpensive determination of every action.”).

Here, the parties have fully briefed their positions. The questions presented are a matter of significant public interest and importance, and “in the context of” this “case” are “inextricably connected to the public need for court resolution for future guidance.” *ATC S., Inc.*, 380 S.C. at 199, 669 S.E.2d at 341.

As such, this Court should deny D.R. Horton’s Motion to Dismiss and grant such other and further relief as is just and proper.

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,

MULLEN WYLIE SC, LLC

Robert L. Wylie, IV (SC Bar No. 13052)
James L. Hills, Jr. (SC Bar No. 100942)
Alicia E. Thompson (SC Bar No. 77056)
Post Office Box 1980
Myrtle Beach, SC 29578
T: 843-449-4800
F: 843-497-0449
rwylie@mullenwylie.com
jhills@mullenwylie.com
aethompson@mullenwylie.com

Columbia, South Carolina
November 19, 2025

CALLISON TIGHE & ROBINSON, LLC

s/ Ian T. Duggan

Ian T. Duggan (SC Bar No. 80074)
Harry A. Dixon (SC Bar No. 103509)
1812 Lincoln Street, Suite 200
P.O. Box 1390
Columbia, SC 29202-1390
T: (803) 404-6900
F: (803) 404-6902
ianduggan@callisontighe.com
harrydixon@callisontighe.com
RICHARDSON THOMAS, LLC

William C. Lewis (SC Bar No. 101287)
Terry E. Richardson, Jr. (SC Bar No. 4721)
Grace M. Babcock (SC Bar No. 105714)
1513 Hampton Street, First Floor
Columbia, SC 29201
T: (803) 281-8145
F: (803) 632-8263
will@richardsonthomas.com
terry@richardsonthomas.com
grace@richardsonthomas.com

Attorneys for Respondents
Sherman and Claudia Howell