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Dec 19 2025

S.C. SUPREME COURT

Exhibit A

From: [David Paavola](#)
To: [Ian T. Duggan](#); [Katie Minton](#); [John Crawford](#); [Ashley Thibault](#); [Amelia Farmer](#); [Caitlin Cameron](#); [April Gonzalez](#); [Kelly Nix](#); [Jessica Barrette](#); [Cara Smith](#); [Harry Dixon](#); [will@richardsonthomas.com](#); [jhills@mullenwylie.com](#); [Alicia Thompson](#); [Kellie Braveboy](#); [Chris Badami](#); ["terry@richardsonthomas.com"](#); ["grace@richardsonthomas.com"](#); [rwylie@mullenwylie.com](#)
Cc: [David Paavola](#); [Johanna Valenzuela](#); [Carl Muller](#)
Subject: DRH Appeals - I-Joists Appeals
Date: Monday, November 3, 2025 11:39:10 AM
Attachments: [Outlook-KDCv4.png](#)

Ian, Will, Jamie,

The client has decided to withdraw its appeals in the I-joist cases. Will you agree to a consent dismissal in these cases?

1. Howell
2. Abatiello
3. Faherty
4. Henry
5. Marcuson
6. Miles
7. Wildy
8. Spratley / English

Let us know if you want to send these to arbitration with the others.

Thanks,



David L. Paavola

Attorney

KENISON, DUDLEY & CRAWFORD, LLC

440 Knox Abbott Drive, Suite 510

Cayce, SC 29033

Email: paavola@conlaw.com

Main: (864) 242-4899

Direct: (803) 251-9202

Website: www.conlaw.com

PLEASE NOTE OUR NEW COLUMBIA OFFICE ADDRESS, ABOVE.

This email contains information that may be confidential and/or privileged. If you are not the intended recipient, or the employee or agent authorized to receive for the intended recipient, you may not copy, disclose or use any contents in this email. If you have received this email in error, please immediately notify the sender at Kenison, Dudley & Crawford, LLC by replying to this email and delete the original and reply emails. Thank you.

Exhibit B

THE SUPREME COURT OF SOUTH CAROLINA

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

Case No. 2024-CP-40-03510

Appellate Case No.
2024-001963 (Court of Appeals)
2025-001970 (Supreme Court)

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.

AFFIDAVIT OF SHERMAN HOWELL

PERSONALLY appeared before me, Sherman Howell, who being duly sworn does state as follows:

1. I am over the age of 18 and competent to make this Affidavit. The statements below are based on my personal knowledge unless otherwise indicated.

2. My wife, Claudia, and I are the Respondents in this matter.

3. I have reviewed Appellant D.R. Horton's Reply in Support of its Motion to Dismiss this Appeal. I submit this Affidavit solely in response to the concluding paragraph of that filing, which states:

Instead of accepting their win, Respondents now assert that the Court should decide this appeal, which places Respondents in the unfathomable position of putting at risk a win for Mr. and Mrs. Howell, their clients in this case. One might ask why. The logical conclusion is that Respondents' refusal to accede to dismissal is to further their aims for other clients in other litigation. That, of course, would be improper. The Court should not allow itself to be so used.

4. My wife and I were surprised to read D.R. Horton's suggestion that anyone other than us made the decision to oppose its Motion to Dismiss. That is incorrect. Although we discussed the matter with our attorneys, the decision whether to oppose dismissal was ours alone.

5. We were also surprised by D.R. Horton's characterization of our position as a refusal to accept a "win." That framing ignores the broader and ongoing impact of this case on us as homeowners. We reside in a neighborhood full of D.R. Horton homes. The value of our home and our quality of life are directly affected by the condition of surrounding properties and, in turn, by the practices associated with the D.R. Horton brand, which is rapidly expanding throughout South Carolina. We believe that a ruling on the issues presented here would provide important clarity not only for us, but for similarly situated homeowners.


6. D.R. Horton filed its notice of appeal in November 2024 but did not propose dismissing its own appeal until November 2025. Considerable time was spent briefing the issues raised by D.R. Horton in our appeal that are now ripe for consideration. In my view, this last-minute effort aligns with a broader pattern by D.R. Horton of delaying responsibility and avoiding timely resolution of its conduct. My wife and I would like to have these issues decided now.

7. For all these reasons, I respectfully request that the Court deny D.R. Horton's Motion to Dismiss and issue a prompt ruling on the important legal issues presented in our case.



SHERMAN HOWELL

SWORN to and subscribed before me this
12 day of December, 2025.



Notary Public of South Carolina
My Commission Expires: 08/25/2033


 **Jerion J. Hankins**
Notary Public for South Carolina
Commission Expires: 08/25/2033

Exhibit C

THE SUPREME COURT OF SOUTH CAROLINA

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

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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.

ITEMIZED STATEMENT OF COSTS

The Appellate Court is requested to tax the following costs against Respondent, D.R. Horton, Inc.

COSTS TAXABLE UNDER RULE 222, SCACR	RATE	REQUESTED	ALLOWED (For Court Use Only)
Cost of Printing or Copying Final Reply Brief	\$107.59	\$107.59	

Filing Fee	\$150.00	\$150.00	
Attorney's Fee Provided By Rule 222(b), SCACR	\$2,500.00	\$2,500.00	
Other (postage)	\$28.28	\$28.28	

TOTAL: \$2,785.87

I swear that the foregoing costs are correct and were necessarily incurred in this action. A copy of this statement was served upon opposing counsel.

Ian T. Duggan (SC Bar No. 80074)
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 Columbia, SC 29202-1390
 T: (803) 404-6900
 F: (803) 404-6902
ianduggan@callisontighe.com
Attorney for Respondents
Sherman and Claudia Howell

Subscribed and sworn to before me this 19th day of December, 2025.

Notary Public for South Carolina

My Commission Expires: 11/07/2029

(Seal)

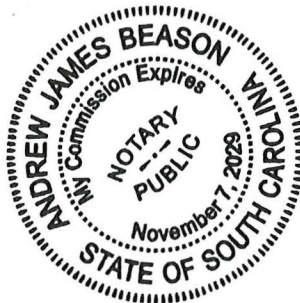


Exhibit D

THE SUPREME COURT OF SOUTH CAROLINA

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

Case No. 2024-CP-40-03510

Appellate Case No.
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Unique Stone Creations, M&L General
Construction, Inc., Alpha Omega Construction
Group, Inc., and ASC Services and Supply, Inc.

Third-Party Defendants.

AFFIDAVIT OF ATTORNEY'S FEES

PERSONALLY appeared before me, Ian T. Duggan, Esquire, who being duly sworn
deposes and states as follows:

1. I am over eighteen years of age, of sound mind, and fully competent to make this
Affidavit. The following is based on my personal knowledge unless otherwise stated.

2. I am a member of the law firm of Callison Tighe & Robinson, located at 1812 Lincoln Street, Columbia, South Carolina 29201. I am licensed to practice in South Carolina. I have been a member in good standing of the South Carolina Bar since November 9, 2010. I am also admitted to practice in the United States Court of Appeals for the Fourth Circuit, the United States Court of Appeals for the Armed Forces, the United States Air Force Court of Criminal Appeals, and the United States District Court for the District of South Carolina. My practice primarily involves litigation matters in state and federal court.

3. Along with my co-counsel with the law firms Richardson Thomas and Mullen Wylie, I represent Plaintiffs Sherman and Claudia Howell in the above-styled and numbered matter. However, in connection with this appeal, I was primarily responsible for efforts associated with representing the Howells. I am familiar, therefore, with the facts, filings, and all other aspects of this appeal. Although we represent the Howells under a contingency fee agreement, my customary billing rate for similar matters is \$600.00 per hour, which I understand is consistent with prevailing community rates for similar services offered by attorneys in South Carolina.

4. Respondents seek an award of attorney's fees incurred from November 5, 2024, when Appellants filed their Notice of Appeal, through November 18, 2025, when this Court certified this matter for review under Rule 204(b), SCACR. Respondents do not seek any fees incurred after certification to the Supreme Court, and this Affidavit is limited solely to work performed while this appeal was pending before the South Carolina Court of Appeals. The additional fees sought as sanctions under Rule 269 were directly and proximately incurred in connection with D.R. Horton, Inc.'s appeal—an appeal that was abandoned by D.R. Horton only after Respondents had completed substantial briefing required under the appellate schedule.

5. When I have been able, I have also delegated certain research, writing and other tasks associated with this file to other lawyers and staff at my firm and with the Mullen Wylie and Richardson Thomas firms. However, as I was lead counsel and largely responsible for our filings submitted in this appellate matter, the only fees sought on behalf of the Howells arise from work performed directly by me and my paralegal on this case—and only for work performed while this appeal was pending before the Court of Appeals.

6. In making this Affidavit, I have considered the factors set forth in Rule 1.5 of the Rules of Professional Conduct (Rule 407, SCACR) and the factors previously articulated by this Court for use in “determining the reasonable time and hourly rate for attorneys’ fees” including “the nature, extent, and difficulty of the case; the time necessarily devoted to the case; the professional standing of counsel; the contingency of compensation; the beneficial results obtained; and the customary legal fees for similar services.” *Maybank v. BB&T Corp.*, 416 S.C. 541, 581, 787 S.E.2d 498, 519 (2016).¹

7. When preparing a significant brief to a court, especially an appellate brief, it is my regular practice, and was my practice here, to conduct legal research and drafting contemporaneously. Because of the importance of this matter, I arranged my calendar to have several extended, uninterrupted work periods at my office and home office, so that I could perform work on the Howells’ behalf largely without distraction.

8. Because of the contingent nature of our fee agreement with the Howells, I have not maintained entries in our firm’s billing software. To accurately reconstruct my time, I reviewed contemporaneous correspondence, calendar entries, paralegal billing records, Microsoft OneDrive

¹ As it pertains to “beneficial results obtained” in this appeal, D.R. Horton Inc. notably concedes that Respondents have “w[o]n.” Appellant’s December 8, 2025, Reply in Support of Motion to Dismiss Appeal.

version histories reflecting document drafting activity, and Westlaw usage records reflecting legal research conducted in connection with this appeal.

9. By way of additional background, to facilitate working with my co-counsel at other firms, our file for this matter has been stored electronically through a private and secure Microsoft OneDrive system. This system stores all work product electronically, and importantly, automatically saves all revisions to documents stored within it. As such, by utilizing the “version history” feature to review documents stored on this system, I can electronically confirm when I was modifying (i.e., actively drafting or revising) a particular document. In a similar way, by accessing my firm’s Westlaw account, I can see the date and time I was searching for and reviewing various potentially pertinent legal authorities for use in connection with this appeal.

10. My review of these records memorializes the following significant periods where I was working on the Howells’ behalf. These records are consistent with my personal recollection and the other materials noted that I have reviewed in connection with making this Affidavit:

- Beginning at 6:15 p.m. on February 25, 2025, and concluding at 2:04 a.m. on February 26, 2025, I was actively performing legal research and authoring my first draft of the Howells’ initial brief—this work began shortly after D.R. Horton submitted its initial brief on February 20, 2025.
- The same is true beginning at 8:58 a.m. on February 26, 2025, and concluding at 6:20 p.m. that same day.
- From beginning at 10:39 a.m. on April 21, 2025, and concluding at 10:26 p.m. that same day, I revised my initial draft and conducted additional legal research.
- From beginning at 6:08 p.m. on April 23, 2025, and concluding at 11:50 p.m. that evening, I continued to revise the Howells’ initial brief and conducted additional legal research.

- Beginning at 8:42 a.m. on April 24, 2025, I continued to revise the Howells’ initial brief—around 9:30 a.m. that day, my firm’s Westlaw records reflect that I used the “Drafting Assistant” tool (a mechanism that automatically checks legal citations) and then continued conducting legal research and revising the Howells’ initial brief until 12:11 p.m.
- On the morning of April 25, 2025, Westlaw records reflect I conducted legal research on a discrete legal issue in connection with this appeal for approximately 15 minutes.
- Likewise, on April 29, 2025, Westlaw, OneDrive and other records reflect I began working on a final draft of the Howells’ initial brief at 3:45 p.m. and concluded my efforts at 8:57 p.m.
- On April 30, 2025, the Howells’ initial brief and designation of matters was submitted to the Court of Appeals at approximately 4:49 p.m. My email and OneDrive records reflect that I spent significant time that day engaging in concentrated activity in preparation for this filing: including conferring with my co-counsel, a final review of Howells’ initial brief and designation of matters and providing instructions on filing to my paralegal. Conservatively, I estimate these efforts occupied approximately three hours of my time.

11. Altogether, the foregoing shows 46 hours and 56 minutes—just under 47 hours—spent in connection with submission of the Howells’ initial brief that is directly confirmed by electronic records maintained in my legal practice in the ordinary course of business.

12. The time reflected above does not include my subsequent work in connection with preparation of the Howells’ final brief, the drafting or submission of ancillary filings, communication with my co-counsel or opposing counsel that did not occur during the foregoing periods, or any time spent on this appeal once it was certified for review by the Supreme Court. Because the periods itemized above reflect only the discrete drafting and research blocks that can be corroborated by electronic records and do not capture additional time spent reviewing the

record, conferring with co-counsel, strategizing, or performing other necessary tasks outside those documented intervals, a highly conservative estimate of this additional time performing work on the Howells' behalf before the Court of Appeals is three hours.

13. While I believe my total time devoted to this matter exceeded the amounts described above, for purposes of this Affidavit, I am comfortable representing that a conservative estimate of my time spent on this matter before the Court of Appeals was at least 50 hours. As such, at my customary hourly rate for matters of this type of \$600.00, this equates to \$30,000.00 in attorney's fees for representation of the Howells before the Court of Appeals.

14. Katie A. Minton is my highly experienced and well-regarded litigation paralegal. Her standard billing rate is \$165.00. Unlike me, in connection with this matter, she consistently maintained detailed billing entries for her work in the ordinary course of business. I have reviewed her billing records, and they comport with my personal recollection and understanding of her efforts. Mrs. Minton's billing records reflect 20.7 hours' worth of time on behalf of the Howells before the Court of Appeals, which multiplied by her standard hourly rate, totals \$3,415.50.

15. As such, the reasonable fees incurred by myself and my paralegal in connection with the Howells' representation before the Court of Appeals is \$33,415.50.

16. In addition to attorneys' fees, as described in the accompanying itemized list, my firm's records reflect that Respondents incurred \$285.87 in costs for filing fees, printing, and other related expenses under Rule 222.

17. Thus, Respondents seek a total award of \$33,415.50 in fees (inclusive of the \$2,500.00 in fees permitted under Rule 222 as "costs" and an additional \$30,915.50 as sanctions under Rule 269) plus \$285.87 in costs, i.e. \$33,701.37.


18. All the activities and work undertaken by the attorneys and staff on this matter were necessary to represent the Respondents Sherman and Claudia Howell in this matter. In light of the time expended, the rate requested, and results obtained, this fee request is reasonable and proportionate considering the complexity of the issues presented and the posture of this appeal. As such, I support the Howells' request for an award of \$33,701.37 in attorney's fees and costs under Rule 222 and Rule 269 and believe these fees to be reasonable and justified.

Further, Affiant sayeth not.



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ianduggan@callisontighe.com
*Attorney for Respondents
Sherman and Claudia Howell*

SWORN to and subscribed before me this
19th day of December, 2025.



Notary Public of South Carolina
My Commission Expires: 11/07/2029

