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**Jan 14 2026**

**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 ..... Appellant.

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,

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**CONSENT MOTION TO DISMISS WITHOUT PREJUDICE PENDING APPROVAL OF CLASS SETTLEMENT**

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Appellant and Respondent, by and through the undersigned counsel, hereby move this Court for an order dismissing the above-captioned appeal *without prejudice* (the “Motion”) and remitting the case to the Circuit Court for the purpose of considering and ruling on the motion to

approve the settlement agreement reached between the parties. The parties further agree that in the event the Circuit Court does not approve the settlement agreement, the appeal may be reinstated upon motion to the Court, and the Court would proceed with the appeal as originally filed.

In support of this Motion, the parties state as follows:

1. The parties have reached a settlement agreement in the underlying case and a motion to approve the settlement has been filed in the Circuit Court. The Circuit Court's approval is necessary to finalize the settlement. A final court approved settlement would make the appeal moot.
2. The parties respectfully request that this Court remit the matter to the Circuit Court for the limited purpose of determining whether to approve the settlement agreement.
3. The parties request that the appeal be dismissed *without prejudice* so that, in the event the settlement agreement is not approved and/or finalized, the appeal may be reinstated upon motion to this Court, and the Court would proceed with the appeal as originally filed.
4. The parties further request that the oral arguments, tentatively scheduled for February 2026, be cancelled.
5. The parties have consented to the terms of this Motion, and both Appellant and Respondent support this request.

WHEREFORE, Appellant and Respondent respectfully request that this Court:

- A. Dismiss the appeal without prejudice and remit the case to the Circuit Court for the limited purpose of deciding the motion to approve the settlement agreement;
- B. Cancel the oral argument tentatively scheduled for February 2026; and
- C. Grant such further relief as the Court deems just and proper.

*[SIGNATURES ON FOLLOWING PAGE]*

Respectfully submitted,

Dated: January 14, 2026

By s/Nosizi Ralephata  
Nosizi Ralephata (SC 72484)  
E-mail: [nralephata@grsm.com](mailto:nralephata@grsm.com)  
GORDON REES SCULLY  
MANSUKHANI  
677 King Street, Suite 450  
Charleston, SC 29403  
Telephone: (843) 278-5900

Jeffrey A. Ross (SC 74254)  
Email: [jross@rclawsc.com](mailto:jross@rclawsc.com)  
ROSS & CRISTALDI  
863 Coleman Blvd. Ste B  
Mt. Pleasant, SC 29464  
Telephone: (843) 329-4040

*Attorneys for Appellant JLS Masonry, Inc.*

s/Justin O'Toole Lucey  
Justin O'Toole Lucey, Esq.  
Dabney Lynn, Esq.  
Sohayla R. Townes, Esq.  
Amanda Nicole Funai, Esq.  
Justin O'Toole Lucey, PA  
415 Mill Street  
Mount Pleasant, SC 29464  
[jlucey@lucey-law.com](mailto:jlucey@lucey-law.com)  
[dlynn@lucey-law.com](mailto:dlynn@lucey-law.com)  
[stownes@lucey-law.com](mailto:stownes@lucey-law.com)  
[afunai@lucey-law.com](mailto:afunai@lucey-law.com)

*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.*

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and.

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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,

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**PROOF OF SERVICE**

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I, the undersigned of the law offices of Gordon Rees Sculls Mansukhani LLP, does hereby certify that I served this Consent Motion to Dismiss Without Prejudice Pending Approval of Class Settlement via email on counsel of record via email as listed below:

Justin O'Toole Lucey, Esq.  
Dabney Lynn, Esq.  
Sohayla R. Townes, Esq.  
Amanda Nicole Funai, Esq  
Justin O'Toole Lucey, PA  
415 Mill Street  
Mount Pleasant, SC 29464  
jlucey@lucey-law.com  
dlynn@lucey-law.com  
stownes@lucey-law.com  
afunai@lucey-law.com

*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: January 14, 2026

By: s/Nosizi Ralephata.