

RECEIVED

Mar 13 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM BEAUFORT COUNTY

The Honorable Maite Murphy, Circuit Court Judge
Civil Action No. 2021CP2700069

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 is the Appellant,

AND

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

v.

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

**RESPONDENT'S SECOND AMENDED
DESIGNATION OF ADDITIONAL MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

Pursuant to this Court's order of February 24, 2026, Respondent Mark W. McGilton files the following Second Amended Designation of additional matter to be included in the Record on Appeal in this matter:

1. July 21, 2021, First Set of Interrogatories and First Set of Requests for Production of Documents served upon D.R. Horton, Inc. by Mark W. McGilton;

2. September 17, 2021 Rule 11 letter sent to D.R. Horton, Inc., by Mark W. McGilton, filed in Circuit Court as Exhibit 3 to Mark W. McGilton's November 4, 2021, Motion to Compel;

3. September 30, 2021, email correspondence, filed in Circuit Court as Exhibit 6 to Plaintiff's Memorandum in Support of Motion to Compel and for Sanctions, p. 235 of 239 of filing;

4. November 4, 2021, Motion to Compel and Motion for Sanctions with Exhibits filed by Mark W. McGilton on November 4, 2021.

5. April 26, 2022, Motion for Order of Dismissal of 1223 May River Road, LLC and Kenneth Scott Builders, LLC filed by Mark W. McGilton with consent by 1223 May River Road, LLC and Kenneth Scott Builders, LLC, in Circuit Court on April 26, 2022;

6. July 11, 2022, Notice of Motion to Compel and Sanctions Hearing for December 7, 2023, sent by the Circuit Court to all attorneys of record via email;

7. August 10, 2022, Rule 11 letter sent to D.R. Horton, Inc. by Mark W. McGilton, filed in Circuit Court as Exhibit 7 to Plaintiff's Memorandum in Support of Motion to Compel and for Sanctions;

8. August 22, 2022, email correspondence between Ben Shelton and Jason Imhoff, filed in Circuit Court as Exhibit O to 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 on January 27, 2025;

9. August 31, 2022, email correspondence between Ben Shelton and Jason Imhoff, filed in Circuit Court as Exhibit O to 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 on January 27, 2025;

10. September 13, 2022, email correspondence sent by Ben Shelton to Jason Imhoff and Stephanie Simpson, filed in Circuit Court as Exhibit O to 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 on January 27, 2025;

11. October 25, 2022, email correspondence sent by Ben Shelton to Jason Imhoff and Stephanie Simpson, filed in Circuit Court as Exhibit O to 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 on January 27, 2025;

12. November 8, 2022, email correspondence between Ben Shelton and Jason Imhoff, filed in Circuit Court as Exhibit O to 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 on January 27, 2025;

13. March 24, 2023, email correspondence between Ben Shelton, attorney for Respondent and Jason Imhoff, and John Crawford attorneys for Appellant, filed in Circuit Court as Exhibit O to 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 on January 27, 2025.

14. April 1, 2023, email correspondence between Ben Shelton and John Crawford, filed in Circuit Court as Exhibit O to 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 on January 27, 2025;

15. July 17, 2023, email correspondence between Ben Shelton and John Crawford, filed in Circuit Court as Exhibit O to 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 on January 27, 2025;

16. July 21, 2023, email correspondence between Ben Shelton and John Crawford, filed in Circuit Court as Exhibit O to 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 on January 27, 2025;

17. August 3, 2023, email correspondence between Ben Shelton and John Crawford, filed in Circuit Court as Exhibit O to 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 on January 27, 2025;

18. August 11, 2023, email correspondence with attached PDF titled, "Phase 7 Map," sent by John Crawford to Ben Shelton, filed in Circuit Court as Exhibit O to 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 on January 27, 2025

19. September 19, 2023, Rule 11 letter sent to D.R. Horton, Inc., filed in Circuit Court as Exhibit 3 to Mark W. McGilton's Renewed Motion to Compel D.R. Horton, Inc., and Rule to Show Cause regarding Sanctions per Rule 37(d), SCRCP, against D.R. Horton, Inc.;

20. November 9, 2023, Notice of Motion to Compel and Sanctions Hearing for December 7, 2023, sent by the Circuit Court to all attorneys of record via email;

21. December 1, 2023, email correspondence between John Crawford and Ben Shelton, filed in Circuit Court as Exhibit O to 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 on January 27, 2025;

22. December 6, 2023, correspondence between John Crawford and Ben Shelton, filed in Circuit Court as Exhibit O to 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 on January 27, 2025.

23. January 3, 2024, Consent Confidentiality Order filed by D.R. Horton, Inc. and Mark W. McGilton in Circuit Court on January 3, 2024;

24. March 15, 2024, Affidavit of Attorney's Fees and Costs filed by Mark W. McGilton in Circuit Court on March 15, 2024.

25. June 10, 2024, Memorandum in Opposition to D.R. Horton, Inc.'s Motion to Amend Scheduling Order with Exhibits filed by Mark W. McGilton in Circuit Court on June 10, 2024;

26. June 24, 2024, Rule 11 letter from Mark W. McGilton to D.R. Horton, Inc., filed in Circuit Court as Exhibit O to 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 on January 27, 2025;

27. June 25, 2024, subpoena and Notice of Deposition and of Lindsay Moore, filed in Circuit Court as Exhibits 2 and 3 to D.R. Horton, Inc.'s Memorandum in Support of Motion for Sanctions per Rule 37(d), SCRCP, against Plaintiff;

28. June 26, 2024, subpoena and Notice of Deposition and of Michael Fryar, filed in Circuit Court as Exhibits 5 and 6 to D.R. Horton, Inc.'s Memorandum in Support of Motion for Sanctions per Rule 37(d), SCRCP, against Plaintiff;

29. June 27, 2024, letter from D.R. Horton, Inc. to Mark W. McGilton, filed in Circuit Court as Exhibit O to 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 on January 27, 2025;

30. June 29, 2024, letter from Mark W. McGilton to D.R. Horton, Inc., filed in Circuit Court as an enclosure to Mark W. McGilton's letter to the Clerk of Court filed October 18, 2024;

31. July 10, 2024, Mark McGilton's Subpoena and Notice De Benne Esse Deposition of Joseph R. Hsu, MD, filed in Circuit as Exhibit 2 to Mark W. 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;

32. July 16, 2024, D.R. Horton, Inc.'s Subpoena and Cross Notice De Benne Esse of Deposition of Joseph R. Hsu, MD, filed in Circuit as Exhibit 3 to Mark W. 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;

33. July 16, 2024, Deposition Transcript of Theodore "Andy" Rowland, filed in Circuit as Exhibit 1 to Mark W. 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;

34. July 18, 2024, Deposition Transcript of Alfredo Uriostegui with exhibits, filed in Circuit as Exhibit 3 to Plaintiff's Return to Defendant D.R. Horton, Inc.'s Motion for Reconsideration;

35. July 19, 2024, Deposition of Michael Allen Fryar, filed in Circuit as Exhibit 7 to Mark W. 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 and as Exhibit 7 to D.R. Horton, Inc.'s Memorandum in Support of Motion for Sanctions per Rule 37(d), SCRC, against Plaintiff;

36. August 20, 2024, Letter with Exhibit 3 filed by Mark W. McGilton in Circuit Court on August 20, 2024;

37. August 26, 2024, Deposition of Lindsay Moore, filed in Circuit as Exhibit 8 to Mark W. 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 and as Exhibit 7 to D.R. Horton, Inc.'s Memorandum in Support of Motion for Sanctions per Rule 37(d), SCRC, against Plaintiff;

38. September 16, 2024, Deposition of Joseph R. Hsu, MD, filed in Circuit as Exhibit 4 to Mark W. 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;

39. October 14, 2024, Affidavit of Benjamin T. Shelton, filed in Circuit Court on October 14, 2024;

40. December 23, 2024, letter from D.R. Horton, Inc., sent to Mark W. McGilton, filed in Circuit Court as Exhibit 1 to Mark McGilton's Reply to D.R. Horton, Inc.'s "Response" and as Exhibit 4 to Plaintiff's Return to Defendant D.R. Horton, Inc.'s Motion for Reconsideration;

41. January 15, 2025, Letter filed by Mark W. McGilton in Circuit Court on January 15, 2025.

The below certifies by their signatures that Respondent's Designation of Matter includes no matter that is irrelevant to this Appeal.

SHELTON LAW FIRM, LLC

/s/Benjamin T. Shelton

Benjamin T. Shelton, S.C. Bar No. 77207
1000 William Hilton Parkway, Ste. E-6
P.O. Box 21069
Hilton Head Island, SC 29928 (29925)
(843) 802-0087
ben@sheltonlawsc.com

Hilton Head Island, South Carolina
March 13, 2026

BLUESTEIN THOMPSON SULLIVAN, LLC

/s/ John S. Nichols

John S. Nichols, S.C. Bar. No. 4210
1614 Taylor Street
Columbia, SC 29201
(803) 779-7599
john@bluesteinattorneys.com

Columbia, South Carolina
March 13, 2026

Attorneys for Mark W. McGilton