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May 12 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeal

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas
Hon. R. Scott Sprouse, Circuit Court Judge

Case No. 2019-CP-04-01942
Appellate Case No. 2023-001401

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, Defendant,

D.R. Horton, Inc., Appellant,

v.

AJ Landscaping & Grading LLC, A/K/A AJ Landscaping & Grading, Inc; Allpro Textures, LCC; Alpha Omega Construction Group, Inc.; American Concrete and Precast, Inc., A/K/A ACP Concrete, Inc.; A&J Framing, Inc; Alpha E.M.C; A-Z, Inc.; Atlanta Floor Designs Center; A Grade Above Others, LLC; Brand-Vaughan Lumber Co., Inc.; BKF Builders, Inc; Builders Designhouse, LLC; BMC East, LLC D/B/A Coleman Floor, LLC; Builders Firstsource Southeast Group, LLC, A/K/A Builders Firstsource, Inc; Bravo Carpenters, Inc.; Caryl Mechanics II, Inc.; Caryl Mechanicals, Inc.; Cannaday Siding and Gutter, Inc; Cortes Painting, LLC; CBU Enterprises, Inc.; CPI Security Systems, Inc.; Dom Group, LLC; Ferguson Enterprises, Inc.; Five Star Construction Inc.; Five Star Foundations, LLC; Galloway-Bell, Inc.; A/K/A Galloway-Bell, Inc. II BGET Floored, LLC; GBS Building Supply-Us LBM, LLC, A/K/A GBS Building Supply, Inc.; General Shale Brick Inc.; Greener Pastures, Inc. A/K/A Greener Pastures of Aiken, Inc; IBP Asset, LLC D/B/A Blue Ridge Building Products; JLS Masonry, Inc.; Kings Landscaping, LLC; Landshapers, LLC; Lade-Danler, Inc.; Lansing Building Products, Inc.; Long Heating & Air Conditioning, Inc.; L&M Electric, Inc.; Manale Landscaping, LLC; MJ Cowboys, LLC; M&L General Construction, LLC. A/K/A M&L General Construction, Inc.; M&Lreyna Construction, LLC; M&M Foundations, LLC; Nazareth Builders, LLC, NB Contractors, LLC; Poinsett Development, LLC; Poinsett Homes, LLC; P&T Construction, LLC; P&L Enterprises, LLC; Probuild Company, A/K/A Probuild Holdings, Inc.; Rite Rug Co.; Rodney Howard Grading Co.; Sandlapper Concrete, LLC; 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., Dupree Plumbing Company, Inc.; Willow Tree Landscaping, Inc., Third-Party Defendants,

of which Builder Services Group (f/k/a Masco Contractor Services Central Inc. f/k/a Gale Industries, Inc. d/b/a Gale Contractors Services)¹ and IBP Assets, LLC d/b/a Blue Ridge Building Products, are the Respondents.

RESPONDENT BUILDER SERVICES GROUP, INC. D/B/A GALE CONTRACTOR SERVICES' MOTION FOR COST ON APPEAL

This Respondent Builder Services Group, Inc. d/b/a Gale Contractor Services (hereinafter "Gale" or "Respondent") hereby move this Court, pursuant to Rule 222(d), SCACR, to tax costs on appeal in the amount of \$2,522.00 against the Appellant D.R. Horton, Inc.

This motion is based on the grounds as set forth in the supporting memorandum filed herewith.

The requests costs on appeal are set forth in the Statement of Costs on Appeal which is filed herewith.

Respectfully Submitted,

RESNICK & LOUIS, P.C.

s/ Alicia N. Bolyard, Esq.

Alicia N. Bolyard, Esq. (SC Bar # 103737)

146 Fairchild Street, Suite 130

Charleston, South Carolina 29492

(843) 410-2534

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***Attorney for Respondent Builder Services Group,
Inc. d/b/a Gale Contractor Services***

May 12, 2026
Charleston, South Carolina

¹ Gale is improperly identified in the caption. The entity should be listed as *Builders Services Group, Inc d/b/a Gale Contractor Services*.

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of which Builder Services Group (f/k/a Masco Contractor Services Central Inc. f/k/a Gale Industries, Inc. d/b/a Gale Contractors Services)¹ and IBP Assets, LLC d/b/a Blue Ridge Building Products, are the Respondents.

RESPONDENT BUILDER SERVICES GROUP, INC. D/B/A GALE CONTRACTOR SERVICES MEMORANDUM IN SUPPORT OF MOTION FOR COSTS ON APPEAL

By its Unpublished Opinion filed April 8, 2026, the South Carolina Court of Appeals affirmed the Order on Summary Judgement as issued by Circuit Court Judge R. Scott Sprouse thereby denying the declaratory relief sought by the Appellant D.R. Horton, Inc.

Rule 222(a), SCACR, provides that “[u]nless otherwise ordered by the appellate court or agreed by the parties, costs shall be taxed against the appellant when the appeal is dismissed or judgement on appeal is affirmed.” Rule 222(a), SCACR. The Respondent Builder Services Group, Inc. d/b/a Gale Contractor Services (hereinafter “Gale” or “Respondent”), therefore, qualifies as the prevailing parties in this appeal. As the prevailing parties, Respondent is entitled to an award of costs on appeal in accordance with Rule 222(b), SCACR, which includes the cost of printing the Final Brief of Respondents, in the amount \$22.00 total². The Respondent is also entitled to attorneys’ fees in the amount of \$2,500.00, which is an amount set by order of the Supreme Court.

The filing of this motion is timely. The Remittitur was filed April 28, 2026. This motion is filed within fifteen days of the issuance of the Remittitur, as required by Rule 222(d), SCACR.

¹ Gale is improperly identified in the caption. The entity should be listed as *Builders Services Group, Inc d/b/a Gale Contractor Services*.

² Receipt of printing can be provided at the Court’s request.

As a result, the Respondent moves this court, pursuant to Rule 222(d), SCACR, for costs on appeal in the amount of \$2,522.00 to be taxed against Appellant D.R. Horton, Inc. The requested costs on appeal are set forth in the Statement of Costs on Appeal, which is also filed herewith.

Respectfully Submitted,

RESNICK & LOUIS, P.C.

s/ Alicia N. Bolyard, Esq.

Alicia N. Bolyard, Esq. (SC Bar # 103737)

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***Attorney for Respondent Builder Services Group,
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of which Builder Services Group (f/k/a Masco Contractor Services Central Inc. f/k/a Gale Industries, Inc. d/b/a Gale Contractors Services)¹ and IBP Assets, LLC d/b/a Blue Ridge Building Products, are the Respondents.

CERTIFICATE OF SERVICE

I certify that the *Motion for Costs on Appeal, Memorandum in Support of the Motion for Costs on Appeal*, and the *Statement of Costs on Appeal* was served on counsel of record on May 12, 2026 via email under Paragraph (d)(1) of Order Re: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (As Amended April 24, 2024).

s/Alicia N. Bolyard, Esq.

Alicia N. Bolyard, Esq.

S.C. Bar No. 103737

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Attorneys for Appellant D.R. Horton, Inc.

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VIA CERTIFIED MAIL & E-MAIL

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211
ctappfilings@sccourts.org

Re: *Natalie Zitek, Individually, and on Behalf of All Others Similarly Situated v. D.R. Horton, Inc.*
Civil Action No.: 2019-CP-04-01942 (Anderson County)
Appellate No.: 2023-001401
R&L File No.: 28102.0051

Dear Ms. Kitchings,

Pursuant to Section (b)(2) of the Supreme Court's Order Re: Methods of Electronic Filing and Service under Rule 262 of the South Carolina Appellate Court Rules (As Amended April 24, 2024), please find enclosed for filing the ***Motion for Costs on Appeal, Memorandum in Support of Motion for Costs on Appeal***, and the ***Statement of Costs on Appeal*** with regard to the above-referenced appeal. By copy of this letter, I am serving copies on all counsel of record by email only pursuant to Section (d)(1) of the same Supreme Court Order.

The Respondent Builder Services Group, Inc. d/b/a Gale Contractor Services' \$50.00 filing fee is enclosed herewith. Thank you for your assistance.

Sincerely,

s/Alicia N. Bolyard, Esq.
Alicia N. Bolyard, Esq.
For the Firm

ANB/kbs
Enclosures

CC: all counsel of record w/ enclosures via email only