

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

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SC Court of Appeals

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,

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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 IBP ASSET, LLC D/B/A BLUE RIDGE BUILDING PRODUCTS'
MOTION FOR COST ON APPEAL**

This Respondent IBP Asset, LLC d/b/a Blue Ridge Building Products (hereinafter "Blue Ridge" or "Respondent") hereby move this Court, pursuant to Rule 222(d), SCACR, to tax costs on appeal in the amount of \$2,571.65 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,

MURPHY & GRANTLAND, P.A.

s/ Everett A. Kendall, II

Everett A. Kendall, II (S.C. Bar No. 8450)

Timothy J. Newton (SC Bar No. 71640)

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**Attorneys for IBP Asset, LLC d/b/a Blue Ridge
Building Products**

May 13, 2026
Columbia, South Carolina

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**RESPONDENT IBP ASSET, LLC D/B/A BLUE RIDGE BUILDING PRODUCTS
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 Judgment 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 judgment on appeal is affirmed.” Rule 222(a), SCACR. The Respondent IBP Asset, LLC d/b/a Blue Ridge Building Products (hereinafter “Blue Ridge” 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 \$71.65 total. 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.

As a result, the Respondent moves this court, pursuant to Rule 222(d), SCACR, for costs on appeal in the amount of \$2,571.65 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,

MURPHY & GRANTLAND, P.A.

s/ Everett A. Kendall, II

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**Attorneys for Respondent IBP Asset, LLC d/b/a
Blue Ridge Building Products**

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Columbia, South Carolina

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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 13, 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/ Everett A. Kendall, II
Everett A. Kendall, II (S.C. Bar No. 8450)
Timothy J. Newton (SC Bar No. 71640)
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