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May 06 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Mikell R. Scarborough, Circuit Court Judge

Case No.: 2019-CP-10-01108

Balfour Beatty Construction, LLC, Appellant,

v.

Library Associates, LLC; and Metropolitan Life Insurance Company, a New York Corporation, Defendant

And

Library Associates, LLC, Third-Party Plaintiff,

v.

Lithko Contracting, LLC, Guy M. Beaty, Inc., Bernard MMC, LLC, Gulf Stream Construction Company, Inc., Precision Walls, Inc., Palmetto Automatic Sprinkler Company, Inc., Cook & Boardman, LLC, Strong Tower Construction, LLC d/b/a Koch Corporation, Watson Electrical Construction Co., LLC, Trimark Foodcraft, LLC, Pleasant Places, Inc., David Allen Company, Inc., Premier Exteriors, LLC, Warco Construction, Inc., Old North State Masonry, LLC, Tom Rochester & Associates d/b/a Southeastern Architectural Systems, Forton Company, LLC, Low Country Case & Millwork, Inc., Quantum Coatings, LLC, Balfour Beatty Construction Group, Inc., Third-Party Defendants.

Of which Low Country Case & Millwork, Inc. is the Respondent.

NOTICE OF APPEAL

Balfour Beatty Construction, LLC (“Balfour”) appeals the Honorable Mikell R. Scarborough’s order granting summary judgment in favor of Low Country Case & Millwork, Inc., filed on September 9, 2021, and the Honorable Mikell R. Scarborough’s order denying Balfour’s

Motion to Alter or Amend, filed April 4, 2024. Balfour received notice of the Court's denial of the Motion to Alter or Amend on April 4, 2024.

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*Attorneys for Plaintiff Balfour Beatty Construction,
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Columbia, South Carolina

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Of which Low Country Case & Millwork, Inc. is the Respondent.

PROOF OF SERVICE

The undersigned hereby certifies that on May 6, 2024, a copy of **Appellant's Notice of Appeal regarding Low Country Case & Millwork, Inc.** was served on all counsel of record via email containing the above referenced document to counsel's individual AIS email addresses:

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<p>Don R. Terry, Esquire Steele B. Windle, III, Esquire Smith Terry Johnson & Windle 150 Milestone Way, Suite C Greenville, SC 29615 dterry@smithterrylaw.com awindle@smithterrylaw.com</p> <p><i>Attorneys for Old North State Masonry, LLC, Lithko Contracting, LLC and Watson Electrical Construction, Co., LLC</i></p>	<p>R. Britton Kelly, Esquire Catherine Bryan MacKelcan, Esquire Kelly Law Firm 180 Spring Street Charleston, SC 29403 britt@kellylawsc.com catherine@kellylawsc.com</p> <p><i>Attorneys for David Allen Company</i></p>

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*Attorneys for Appellant, Balfour Beatty
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May 6, 2024

VIA HAND-DELIVERY AND E-MAIL:

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201
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Re: *Balfour Beatty Construction, LLC v. Library Associates, LLC, et al.*
Trial Court Case No.: 2019-CP-10-01108

Dear Mrs. Kitchings:

Enclosed for filing in the *Balfour Beatty Construction, LLC v. Library Associates, LLC, et al.*, please find one copy of Appellant's Notice of Appeal and Proof of Service regarding Low Country Case & Millwork, Inc. Copies of same are being provided to all counsel of record via e-mail.

Additionally, please find enclosed Check No. 513599 in the amount of \$250.00 which covers our filing fee.

Should you have any questions or need anything further, please do not hesitate to contact me.

Sincerely,

s/Katon E. Dawson, Jr.

Katon E. Dawson, Jr.

KED/aeb
Enclosures
cc: All Counsel of Record on Proof of Service