

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Balfour Beatty Construction, LLC,

Plaintiff,

v.

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

Defendants,

Library Associates, LLC,

Third-Party Plaintiff,

v.

Lithko Contracting, LLC, *et al.*

Third-Party Defendants.

**IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT**

CASE NO.: 2019-CP-10-01108

PROPOSED ORDER

RECEIVED

May 06 2024

SC Court of Appeals

This matter came before the court on Low Country Case & Millwork, Inc.’s (“Low Country’s”) Motion for Summary Judgment (“the Motion”). The court, having received briefing and heard oral argument on the Motion, finds that there is no genuine dispute of any material fact and Low Country is entitled to summary judgment against Balfour Beatty Construction, LLC (“Balfour”) in the amount of \$369,333.25. The Motion is therefore **GRANTED**.

Further, Article 10.D of the Subcontract Terms and Conditions in the subcontracts between Balfour and Low Country provide for an award of fees to the prevailing party. I have reviewed the affidavit of Jaan G. Rannik (**Exh. A**) setting forth Low Country’s fees and costs in pursuing this recovery. Considering the nature, extent and difficulty of the case, the time necessarily devoted to the case by counsel, the professional standing of counsel, the contingency of compensation, the beneficial results obtained, the customary legal fees for similar services,¹

¹ See *Jackson v. Speed*, 326 S.C. 289 (1997).

and the evidence before me regarding the same, I find the request reasonable and award \$87,143.58 in attorneys' fees and \$8,182.83 in costs.

Judgment is granted to Low Country in the amount of \$464,659.66.

IT IS SO ORDERED.

Dated _____

The Hon. Mikell Scarborough
Master in Equity



Charleston Common Pleas

Case Caption: Balfour Beatty Construction LLC VS Library Associates LLC ,
defendant, et al
Case Number: 2019CP1001108
Type: Order/Summary Judgment

So Ordered

s/Mikell R. Scarborough 3062