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May 23 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

Appellate Case No. 2024-000788

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

Of which Library Associates, LLC is the Respondent.

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.

AMENDED NOTICE OF APPEAL

Balfour Beatty Construction, LLC (“Balfour”) hereby amends the Notice of Appeal, filed May 13, 2024 to include the Honorable Mikell R. Scarborough’s Order denying Balfour Beatty

Construction LLC's October 16, 2023, and April 22, 2024 motions to Alter or Amend, filed May 15, 2024. With the inclusion of the aforementioned order, Balfour appeals the following orders issued by the Honorable Mikell R. Scarborough:

1. The Order, filed October 6, 2023;
2. The Order granting, in part, and denying in part, Balfour's Motion to Alter or Amend the Order Awarding Punitive Damages and Motion for Election of Remedy, filed April 29, 2024;
3. The Order entering Judgment in favor of Library Associates, LLC against Balfour Beatty Construction, LLC, filed May 6, 2024; and
4. The Order denying Balfour Beatty Construction LLC's October 16, 2023, and April 22, 2024 motions to Alter or Amend filed, filed May 15, 2024.

Balfour received notice of the Court's orders on the dates each of the respective orders were filed by the Court.

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May 23, 2024
Columbia, South Carolina

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Balfour Beatty Construction, LLC, Appellant,

v.

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Of which Library Associates, LLC is the Respondent.

And

Library Associates, LLC, Third-Party Plaintiff,

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PROOF OF SERVICE

The undersigned hereby certifies that on May 23, 2024, a copy of **Appellant's Amended Notice of Appeal** was served on all counsel of record via email containing the above referenced document to counsel's individual AIS email addresses:

Walter H. Bundy, Jr., Esquire	Don R. Terry, Esquire
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<p>M. Brent McDonald, Esquire Bundy McDonald, LLC 1516 Old Trolley Rd 2nd Floor Summerville, SC 29485-8209 walter@bundymcdonald.com brent@bundymcdonald.com</p> <p>and</p> <p>John P. Linton, Sr. Mary Kathleen Linton Duffy & Young, LLC 96 Broad Street Charleston, SC 29401 jlinton@duffyandyoung.com mlinton@duffyandyoung.com</p> <p><i>Attorneys for Library Associates, LLC</i></p>	<p>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 Watson Electrical Construction, Co., LLC</i></p>
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May 23, 2024
Columbia, South Carolina

Attorneys for Appellant, Balfour Beatty Construction, LLC



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SC Court of Appeals

Atlanta, GA
Charleston, SC
Charlotte, NC
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Washington, DC

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May 23, 2024

VIA E-MAIL:

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
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Re: *Balfour Beatty Construction, LLC v. Library Associates, LLC, et al.*
Appellate Case No.: 2024-000788; 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 Amended Notice of Appeal, copies of orders being appealed and a Proof of Service. Copies of same are being provided to all counsel of record via e-mail.

Balfour Beatty Construction, LLC is appealing the following orders:

1. The Order, filed October 6, 2023;
2. The Order granting, in part, and denying in part, Balfour's Motion to Alter or Amend the Order Awarding Punitive Damages and Motion for Election of Remedy, filed April 29, 2024;
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May 23, 2024

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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: Via Email:

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John P. Linton, Esq.

Mary K. Linton, Esq.

Don R. Terry, Esq.

Steele B. Windle, Esq.