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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, Master-In-Equity

Appellate Case No. 2024-000753
Case No.: 2019-CP-10-01108

Balfour Beatty Construction, LLC, Appellant,

v.

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

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 Strong Tower Construction, LLC d/b/a Koch Corporation and Watson Electrical Construction Co., LLC are the Respondents.

**APPELLANT'S DESIGNATION OF MATTER TO BE INCLUDED IN THE
RECORD ON APPEAL**

Appellant Balfour Beatty Construction, LLC (“Appellant”) by and through undersigned counsel, proposes the following be included in the Record on Appeal:

1. Order to Consolidate and Refer to the Charleston County Master-In-Equity, filed November 18, 2019;
2. Order Denying Strong Tower Construction, LLC d/b/a Koch Corporation’s Motion for Summary Judgment, filed January 8, 2021;
3. Order Granting Strong Tower Construction, LLC d/b/a Koch Corporation’s Motion for Partial Summary Judgment, filed September 9, 2021;
4. Order Denying Balfour Beatty Construction, LLC’s Motion to Reconsider Grant of Summary Judgment in Favor of Strong Tower Construction, LLC and Order Granting Strong Tower’s Motion to Certify Judgment as Final, filed April 4, 2024;
5. Order Granting Watson Electrical Construction Co., LLC’s Motion for Partial Summary Judgment, filed September 13, 2021;
6. Order Denying Balfour Beatty Construction, LLC’s Motion for Reconsideration of Watson Electrical Construction, LLC’s Summary Judgment, filed April 12, 2024;
7. Summons and Complaint, C.A. No. 2019-CP-10-01108, filed March 5, 2019;
8. Library Associates, LLC’s Answer to Plaintiff’s Complaint and Counterclaims, filed May 3, 2019;
9. Amended Answer and Counterclaims of Library Associates, LLC and Third Party Complaint, filed May 15, 2019;
10. Summons and Complaint, C.A. No. 2019-CP-10-02868, filed May 30, 2019;
11. Watson Electrical Construction Co., LLC’s Answer to Third Party Complaint, Affirmative Defenses, Crossclaim Against Plaintiff, and Counterclaim, filed June 27, 2019;
12. Amended Summons and Complaint, C.A. No. 2019-CP-10-01108, filed October 3, 2019;
13. Answer and Counterclaims of Library Associates, LLC to Amended Complaint of Balfour Beatty Construction, LLC and Third Party Complaint, filed October 17, 2019;
14. Strong Tower Construction, LLC d/b/a Koch Corporation’s Notice of Motion and Motion for Summary Judgment, with Supporting Memorandum, filed October 19, 2020;
15. Strong Tower Construction, LLC d/b/a Koch Corporation’s Notice of Motion and Motion for Summary Judgment, or Partial Summary Judgment, with Supporting Memorandum, filed May 6, 2021;
16. Balfour Beatty Construction, LLC’s Memorandum in Opposition to Summary Judgment by Strong Tower Construction, LLC d/b/a Koch Corporation, filed January 5, 2021;

17. Strong Tower Construction LLC d/b/a Koch Corporation's Additional Memorandum in Support of Summary Judgment, filed August 9, 2021;
18. Balfour Beatty Construction, LLC's Memorandum in Opposition to Renewed Summary Judgment by Strong Tower Construction, LLC d/b/a Koch Corporation, filed August 16, 2021;
19. Third-Party Defendant Watson Electrical Construction Co., LLC's Motion for Summary Judgment and Alternative Motion for Partial Summary Judgment, filed August 20, 2021;
20. Balfour Beatty Construction LLC's Memorandum in Opposition to Summary Judgment by Watson Electrical Construction Co., LLC, filed August 27, 2021;
21. Balfour Beatty Construction LLC's Motion for Reconsideration of Order Granting Strong Tower Construction, LLC d/b/a Koch Corporation's Motion for Partial Summary Judgment, filed September 20, 2021;
22. Balfour Beatty Construction, LLC's Motion for Reconsideration of Order Granting Watson Electrical Construction Co., LLC's Motion for Partial Summary Judgment, filed September 23, 2021;
23. Balfour Beatty Construction, LLC's Memorandum in Support of Its Motions to Reconsider the Entry of Summary Judgment in Favor of Various Subcontractors, filed March 7, 2024;
24. Transcript of August 16, 2021 Hearing on Strong Tower Construction, LLC d/b/a Koch Corporation's Motion for Summary Judgment, or Partial Summary Judgment, pages 1-4; 96-113;
25. Transcript of August 31, 2021 Hearing on Watson Electrical Construction Co., LLC's Motion for Summary Judgment and Alternative Motion for Partial Summary Judgment, pages 1-5, 29-48;
26. Transcript of March 13, 2024 Hearing on Motions to Alter or Amend Award of Summary Judgment in Favor of Subcontractors, pages 1-29;
27. Balfour Beatty Construction, LLC's Notice and Certificate of Mechanic's Lien, filed January 25, 2019;
28. Balfour Beatty Construction, LLC's Notice and Certificate of Amended Mechanic's Lien, filed July 23, 2019;
29. Strong Tower Construction, LLC's Notice of Mechanic's Lien, filed March 5, 2019; and
30. Watson Electrical Construction Co., LLC's Notice and Certificate of Mechanic's Lien, filed March 7, 2019.

The undersigned hereby certifies, pursuant to Rule 209(c), SCACR, that Appellant's Designation of Matter to be included in the Record on Appeal contains no matter which is irrelevant to the appeal.

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