

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.

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

Respondent Watson Electrical Construction Co., LLC (“Respondent”) 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 Granting Watson Electrical Construction Co., LLC’s Motion for Partial Summary Judgment, filed September 13, 2021;
3. Watson Electrical Construction Co., LLC’s Memorandum in Support of its Motion for Summary Judgment and Alternative Motion for Partial Summary Judgment;
4. Order Denying Balfour Beatty Construction, LLC’s Motion for Reconsideration of Watson Electrical Construction, LLC’s Summary Judgment, filed April 12, 2024;
5. Third-Party Defendant Watson Electrical Construction Co., LLC’s Motion for Summary Judgment and Alternative Motion for Partial Summary Judgment, filed August 20, 2021;
6. Rule 30(b)(6) Deposition Transcript of Balfour Beatty Construction, LLC;
7. Rule 30(b)(6) Deposition Transcript of Library Associates, LLC;
8. Deposition Transcript of Timothy Spano;
9. Watson Electrical Construction, LLC’s Statement of Account, filed March 7, 2019;
10. Summons and Complaint, C.A. No. 2019-CP-10-01108, filed March 5, 2019;
11. Library Associates, LLC’s Answer to Plaintiff’s Complaint and Counterclaims, filed May 3, 2019;
12. Amended Answer and Counterclaims of Library Associates, LLC and Third-Party Complaint, filed May 15, 2019;
13. Summons and Complaint, C.A. No. 2019-CP-10-02868, filed May 30, 2019;
14. Watson Electrical Construction Co., LLC’s Answer to Third Party Complaint, Affirmative Defenses, Crossclaim Against Plaintiff, and Counterclaim with Exhibits, filed June 27, 2019;
15. Amended Summons and Complaint, C.A. No. 2019-CP-10-01108, filed October 3, 2019;
16. Answer and Counterclaims of Library Associates, LLC to Amended Complaint of Balfour Beatty Construction, LLC and Third-Party Complaint, filed October 17, 2019;

17. Balfour Beatty Construction LLC's Memorandum in Opposition to Summary Judgment by Watson Electrical Construction Co., LLC, filed August 27, 2021;
18. 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;
19. 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;
20. 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;
21. Transcript of March 13, 2024 Hearing on Motions to Alter or Amend Award of Summary Judgment in Favor of Subcontractors, pages 1-29;
22. Balfour Beatty Construction, LLC's Notice and Certificate of Mechanic's Lien, filed January 25, 2019;
23. Balfour Beatty Construction, LLC's Notice and Certificate of Amended Mechanic's Lien, filed July 23, 2019;
24. Watson Electrical Construction Co., LLC's Notice and Certificate of Mechanic's Lien, filed March 7, 2019;
25. Watson Electrical Construction Co., LLC's Motion for Entry to Judgment against Library Associates, LLC, filed September 8, 2021;
26. Order Granting Watson Electrical Construction Co., LLC's Motion for Entry of Judgment against Library Associates, LLC, filed September 14, 2021;
27. Order, filed October 6, 2023;
28. Trial Transcript, p 4387:11-4390:16;
29. Trial Transcript 4635:20-4636:7, 4613:22-25;
30. Watson Electrical Construction Co., LLC's Memorandum in Opposition to Balfour Beatty Construction, LLC's Motion for Reconsideration of Order Granting Watson Electrical Construction Co., LLC's Motion for Summary Judgment, filed October 19, 2021;
31. Stipulation of Dismissal Without Prejudice, filed December 1, 2021;
32. Balfour Beatty Construction, LLC's Motion For Reconsideration of Order Denying Balfour Beatty Construction, LLC's Motion for Reconsideration of the Order Granting Watson Summary Judgment, filed April 22, 2024; and
33. Watson Electrical Construction, LLC's Trial Exhibit 5.

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

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s/ Don R. Terry

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November 25, 2024
Greenville, South Carolina