

RECEIVED

Jan 30 2025

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 RETURN TO STRONG TOWER CONSTRUCTION, LLC’S FOURTH MOTION FOR EXTENSION OF TIME TO FILE ITS INITIAL RESPONDENT’S BRIEF

Appellant Balfour Beatty Construction, LLC (“Balfour”), as the only other party to the appeal with an interest in Strong Tower’s Respondent’s Brief, respectfully submits this Return to

Respondent Strong Tower Construction, LLC's ("Strong Tower") Fourth Motion for an Extension of Time within which to file its Initial Respondent's Brief (the "Motion").

Balfour notes that Strong Tower's Motion identifies no extraordinary circumstance and provides no substantial justification for granting Strong Tower's fourth request for a thirty-day extension of time; however, Balfour defers to the Court's discretion as to whether the Court should grant Strong Tower's Motion.

PARKER POE ADAMS & BERNSTEIN LLP

By: /s/ James Lynn Werner

James Lynn Werner, (SC Bar No. 6029)

Katon E. Dawson, Jr. (SC Bar No. 101167)

1221 Main Street, Suite 1100

Columbia, SC 29201

(803) 255-8000

jimwerner@parkerpoe.com

katondawson@parkerpoe.com

Thomas C. Hildebrand, Jr. (S.C. Bar No. 2501)

Robert C. Byrd (S.C. Bar No. 1069)

P. Nicholas Nybo (S.C. Bar No. 105825)

850 Morrison Drive, Suite 400

Charleston, SC 29403

(843) 727- 2650 (Office)

tomhildebrand@parkerpoe.com

bobbybyrd@parkerpoe.com

nicknybo@parkerpoe.com

*Attorneys for Appellant, Balfour Beatty Construction,
LLC*

January 30, 2025

Columbia, South Carolina

RECEIVED

Jan 30 2025

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.

PROOF OF SERVICE

The undersigned hereby certifies that on January 30, 2025, a copy of **Appellant's Return to Strong Tower Construction, LLC's Fourth Motion for Extension of Time to File its Initial**

Respondent's Brief was served on all counsel of record via email containing the above referenced documents to counsels' individual AIS email addresses:

<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 Watson Electrical Construction, Co., LLC</i></p>	<p>Samuel M. Wheeler, Esquire Whitfield-Cargile Law, PLLC 23 South Brevard Street, Suite 204 Brevard, NC 28712 sam@whitfieldcargilelaw.com</p> <p>and</p> <p>Steven L. Smith Smith Closser, PA P.O. Box 40578 Charleston, SC 29423 ssmith@scnlaw.com</p> <p><i>Attorneys for Strong Tower Construction, LLC d/b/a Koch Corporation</i></p>
---	--

PARKER POE ADAMS & BERNSTEIN LLP

By: /s/ James Lynn Werner
James Lynn Werner (SC Bar No. 6029)
Katon E. Dawson, Jr. (SC Bar No. 101167)
1221 Main Street, Suite 1100
Columbia, SC 29201
(803) 255-8000
jimwerner@parkerpoe.com
katondawson@parkerpoe.com

Thomas C. Hildebrand, Jr. (S.C. Bar No. 2501)
Robert C. Byrd (S.C. Bar No. 1069)
P. Nicholas Nybo (S.C. Bar No. 105825)
850 Morrison Drive, Suite 400
Charleston, SC 29403
(843) 727- 2650 (Office)
tomhildebrand@parkerpoe.com
bobbybyrd@parkerpoe.com
nicknybo@parkerpoe.com

Attorneys for Appellant Balfour Beatty Construction, LLC

January 30, 2025
Columbia, South Carolina