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**Mar 11 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

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Appellate Case No. 2024-000753

Case No.: 2019-CP-10-01108

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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.

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**APPELLANT’S MOTION TO HOLD  
THE DEADLINE FOR FILING ITS REPLY BRIEFS  
IN ABEYANCE OR, IN THE ALTERNATIVE,  
MOTION FOR EXTENSION OF TIME**

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Pursuant to 240(a) and Rule 263(b) of the South Carolina Appellate Court Rules, Appellant Balfour Beatty Construction, LLC (“Balfour”) respectfully moves the Court for an Order holding

Balfour's deadline for filing its Reply Briefs to Watson Electrical Construction Co., LLC's ("Watson") and Strong Tower Construction, LLC's ("Strong Tower") Respondent's Briefs in abeyance until ten (10) days from the date Strong Tower serves Balfour with an Amended Initial Respondent's Brief. Alternatively, Balfour requests the Court enter an order extending its deadline to file its Initial Reply Briefs by ten (10) days. Granting Balfour's request for a ten-day extension of time would make Balfour's Initial Reply Briefs due on Thursday, March 27, 2025.

Balfour filed its Initial Appellant's Brief in this consolidated appeal on September 23, 2024. Thereafter, Strong Tower and Watson each filed Motions for an Extension of Time within which to file their Initial Respondent's Briefs. After the Court granted those respective Motions, Watson filed its Initial Respondent's Brief on November 25, 2024. However, Strong Tower filed a second motion for a thirty (30) day extension of time to file its Initial Respondent's Brief.

On December 4, 2024, Balfour filed a Motion to hold the deadline for filing its Initial Reply Briefs in abeyance until Strong Tower filed its Initial Respondent's Brief. On December 27, 2024, the Court entered an order granting Balfour's motion and holding Balfour's deadline for filing its Initial Reply Briefs in abeyance until ten (10) days from the date of service of Strong Tower's Initial Respondent's Brief. In that same order, the Court granted Strong Tower's third motion for a thirty (30) day extension of time to file its Initial Respondent's Brief.

On January 30, 2025, Strong Tower filed its fourth motion for a thirty (30) day extension of time to file its Initial Respondent's Brief. The Court granted Strong Tower's Motion and extended Strong Tower's deadline to file its Initial Respondent's Brief to March 7, 2025.

On March 7, 2025, Strong Tower filed its Initial Respondent's Brief and Designation of Matter to be included in the Record on Appeal. After reviewing Strong Tower's filings, Balfour filed a Notice of Non-Compliance and Motion to Compel Strong Tower to file an Amended Initial Respondent's Brief and Amended Designation of Matter to Be Included in the Record on Appeal

on the grounds that the “citations” to the record in Strong Tower’s Initial Respondent’s Brief are not in compliance with Rule 208(b)(4) of the South Carolina Appellate Court Rules and Strong Tower’s Designation of Matter is not in compliance with Rule 209, SCACR. Strong Tower’s failure to comply with the South Carolina Appellate Court Rules hampers Balfour’s ability to prepare its Initial Reply Brief(s) and the Record on Appeal.

Because Strong Tower has not yet filed an Initial Respondent’s Brief that complies with the South Carolina Appellate Court Rules, Balfour respectfully requests the Court issue an order holding Balfour’s deadline for filing its Initial Reply Brief(s) in abeyance until Strong Tower files an Amended Initial Respondent’s Brief that complies with the South Carolina Appellate Court Rules.

Additionally, Balfour requests the Court enter an interim order extending Balfour’s deadline to file its Reply Briefs while the Court considers Balfour’s Notice of Non-Compliance and Motion to Compel and Balfour’s request to hold its briefing deadlines in abeyance until Strong Tower files an Amended Initial Respondent’s Brief.

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March 11, 2025  
Columbia, South Carolina

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

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**PROOF OF SERVICE**

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The undersigned hereby certifies that on March 11, 2025, a copy of **Appellant's Motion to Hold the Deadline for Filings its Reply Briefs in Abeyance or, in the Alternative, Motion**

for **Extension of Time** was served on all counsel of record via email containing the above referenced documents to counsels' individual AIS email addresses:

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March 11, 2025  
Columbia, South Carolina