

IN 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-10-1108

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 STRONG TOWER CONSTRUCTION, LLC D/B/A KOCH
CORPORATION'S AMENDED DESIGNATION OF MATTER TO BE INCLUDED IN
THE RECORD ON APPEAL**

Respondent Strong Tower Construction, LLC d/b/a Koch Corporation (“Strong Tower”) responds to the Appellant’s (“BBC”) Designation of Matter and proposes the following be included in the Record on Appeal:

1. Subcontract between BBC and Strong Tower
2. Strong Tower’s lien, recorded in Book 0781, Page 071, including affidavit of account
3. BBC’s first lien, recorded in Book 0774, Page 273, including affidavit of account
4. BBC’s second lien, recorded in Book 0810, Page 324, including affidavit of account
5. Strong Tower’s complaint in 2019-CP-10-2686
6. BBC’s answer in 2019-CP-10-2686
7. BBC’s complaint in 2019-CP-10-1108
8. Order of consolidation of cases
9. Order of reference to Master-In-Equity
10. BBC’s responses to Strong Towers interrogatories, attached to Strong Tower’s first motion for summary judgment
11. Transcript of first deposition of Kim Brown, specifically excerpts of any questions by Strong Tower and answers of the deponent, pp. 536-541
12. Transcript of first deposition of Jim Clements, specifically excerpts of any questions by Strong Tower and answers of the deponent, pp. 369-374
13. Strong Tower’s first motion for summary judgment, including all exhibits to that motion
14. BBC’s memorandum in opposition to Strong Tower’s first motion for summary judgment, including all exhibits to that memorandum
15. Full transcript of the first summary judgment hearing, January 6, 2021
16. Form 4 denial of Strong Tower’s first motion for summary judgment

17. Full transcript of status conference, March 19, 2021
18. Transcript of second deposition of Jim Clements, specifically excerpts of any questions by Strong Tower and answers of the deponent, pp. 175-177
19. Transcript of second deposition of Kim Brown, specifically excerpts of any questions by Strong Tower and answers of the deponent, 320-324
20. Transcript of deposition of Mark Boe, specifically excerpts of any questions by Strong Tower and answers of the deponent, pp. 161-165
21. Transcript of deposition of Sam Hadley, specifically excerpts of any questions by Strong Tower and answers of the deponent, pp. 314-319, 324-325
22. Transcript of deposition of Grady Query, specifically excerpts of any questions by Strong Tower and answers of the deponent, pp. 74-76
23. Strong Tower's second motion for summary judgment, including all exhibits
24. Strong Tower's supplemental memorandum in support of second motion for summary judgment, including all exhibits (transcripts)
25. BBC's memorandum in opposition to Strong Tower's second motion for summary judgment, including all exhibits
26. Full transcript of hearing on Strong Tower's motion for summary judgment, August 16, 2021
27. Order granting Strong Tower's motion for summary judgment
28. Consent order of dismissal between Strong Tower and Library Associates
29. Strong Tower's motion to dismiss and certify summary judgment award as final
30. BBC's motion to reconsider summary judgment order
31. Strong Tower's memorandum in opposition to BBC's motion to reconsider

32. Trial Order
33. Strong Tower's memorandum in support of dismissal and certification of summary judgment award
34. BBC's second memorandum in support of motion to reconsider
35. Order dismissing Strong Tower's remaining claims and certifying summary judgment award as final
36. Form 4 of final judgment in favor of Strong Tower

Pursuant to Rule 209(c), SCACR, Strong Tower, by and through its below counsel, certifies that this Designation contains no matter which is irrelevant to the appeal.

WHITFIELD-CARGILE LAW, PLLC

s/Samuel M. Wheeler

Samuel M. Wheeler
SC Bar No. 101008
NC Bar No. 52540
P.O. Box 1101
23 S. Broad Street, Suite 204
Brevard, NC 28712
Phone: 828-884-4529
Fax: 828-884-4528
E-mail: sam@whitfieldcargilelaw.com

*Attorney for Respondent Strong Tower Construction,
LLC d/b/a Koch Corporation*

March 20, 2025
Brevard, North Carolina