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Apr 15 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. 2024-000788
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. Beatty, 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 Library Associates, LLC is the Respondent.

**RESPONDENT'S THIRD MOTION FOR EXTENSION OF TIME TO FILE INITIAL
BRIEF AND DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON
APPEAL**

Respondent Library Associates, LLC (“Respondent”), pursuant to Rule 240(a), SCACR, respectfully requests an extension of time of thirty (30) days within which to file Respondent’s Initial Brief and Designation of Matter to be Included in the Record on Appeal.

This is Respondent’s THIRD motion requesting an extension of time to file Respondent’s Initial Brief and Designation of Matter to be Included in the Record on Appeal.

The grounds for this motion for extension of time are as follows: (1) This is a complex case that was tried over twenty-three (23) trial days (over 5000 pages of transcript), contains in excess of three hundred exhibits, and was the subject of significant post trial briefing; (2) Respondent has worked diligently to prepare its Initial Brief and Designation of Matter within the time periods previously provided, but needs more time to adequately prepare the briefing and designation; (3) Appellant was provided two hundred and forty-nine (249) days from the filing of its Notice of Appeal¹ to submit its Initial Brief and Designation of Matter to be Included in the Record on Appeal; (4) Appellant was granted an additional twenty-five (25) pages for its Initial Brief; (6) Respondent’s counsels’ work schedule has made it impossible to complete the Initial Brief and Designation of Matter to be Included in the Record on Appeal within the time currently provided.

Given the foregoing and notwithstanding Respondent’s counsels’ best efforts, Respondent respectfully contends that this is an extra ordinary case and there does so exist good cause for an additional extension of time to file its Initial Brief and Designation of Matter to be Included in the Record on Appeal.

WHEREFORE, Respondent Respectfully requests an order granting an extension of time of thirty (30) days within which to file Respondent’s Initial Brief and Designation of Matter to be Included in the Record on Appeal, up to an including Wednesday, May 21, 2025.

¹ At the time of the filing of the Notice of Appeal, the transcript of record was complete.

BUNDY MCDONALD, LLC

/s M. Brent McDonald

Bundy McDonald, LLC

W.H. Bundy, Jr., Esquire (SC Bar No. 1012)

M. Brent McDonald, Esquire (SC Bar No 78057)

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Attorneys For Library Associates, LLC.

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Of which Library Associates, LLC is the Respondent.

PROOF OF SERVICE

The undersigned hereby certifies that on April 15, 2025, a copy of Respondent's Third Request for an extension of time to file its Initial Brief and Designation of Matter to be included in the

Record on Appeal was served on Appellant's Counsel via email to counsels' individual AIS email addresses as follows:

James Lynn Werner
1221 Main Street, Suite 1100
Columbia, SC 29201
(803) 255-8000
jimwerner@parkerpoe.com

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SC Court of Appeals

Via Email and US Mail

The Honorable Jenny Abbot Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201
ctappfilings@sccourts.org

Re: Balfour Beatty Construction, LLC v. Library Associates, LLC, et al.
Appellate Case No.: 2024-000788

Dear Mrs. Kitchings:

Enclosed herewith is Respondent Library Associates, LLC (“Respondent”) Motion for a **THIRD** extension of time of thirty (30) days within which to file Respondent’s Initial Brief and Designation of Matter to be included in the Record on Appeal in Appellate Case No. 2024-000788.

Also Enclosed herewith is a Proof of Service of this Request for third extension on Appellant’s Counsel. A filing fee of \$50.00 is enclosed with the copy of this correspondence sent to the Court by U.S. Mail. With kindest regards, I remain

Sincerely yours,

/s M. Brent McDonald

M. Brent McDonald

Enc. (As noted)

cc: Attorneys for Appellant:

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Attorneys for Appellant Balfour Beatty Construction,
LLC
