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Jun 25 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 MOTION FOR EXTENSION OF TIME
TO FILE INITIAL REPLY BRIEFS**

Pursuant to Rule 240(a), SCACR, Appellant Balfour Beatty Construction, LLC (“Balfour”) respectfully requests an extension of time of ten (10) days within which to file the Initial Reply Briefs to the Initial Respondent’s Briefs filed by Respondent Strong Tower Construction, LLC (“Strong Tower”) and Respondent Watson Electrical Construction Co., LLC (“Watson”).

After receiving an extension of time, Watson filed its Initial Respondent’s Brief on November 25, 2024; however, Strong Tower sought and obtained three additional extensions of time within which to file its Initial Respondent’s Brief and Designation of Matter. To avoid the prejudice created by filing a Reply Brief to Watson’s Initial Respondent’s Brief prior to Strong Tower filing its Initial Respondent’s Brief, Balfour filed a motion to hold the deadline to file its Initial Reply Briefs in abeyance until after Strong Tower filed its Initial Respondent’s Brief. The Court issued an order granting Balfour’s motion and holding the deadline for Balfour to file its Reply Briefs in abeyance until ten (10) days after Strong Tower files its Initial Respondent’s Brief.

On March 7, 2025, Strong Tower filed its Initial Respondent’s Brief and Designation of Matter. Due to deficiencies in Strong Tower’s filings, Balfour filed a motion to strike Strong Tower’s Initial Brief and Designation of Matter. Prior to the Court ruling on Balfour’s motion, Strong Tower—without obtaining leave of the Court—filed an Amended Initial Respondent’s Brief and an Amended Designation of Matter

On June 10, 2025, the Court issued an order striking Strong Tower’s Amended Initial Respondent’s Brief and Designation of Matter and granting Strong Tower leave to file a Second Amended Initial Respondent’s Brief and Designation of Matter. On June 18, 2025, Strong Tower filed its Second Amended Initial Respondent’s Brief and Second Amended Designation of Matter.

Pursuant to the Court’s orders, Balfour’s deadline to file its Initial Reply Briefs is Monday, June 30, 2025. As a result of Balfour’s counsels’ work schedule, Balfour respectfully contends that

good cause exists for an extension of time to file its Initial Reply Briefs. Specifically, Balfour’s counsel Jim Werner is involved in an arbitration hearing in another matter that is being held between June 23, 2025 and June 27, 2025. Additionally, Balfour’s counsel Tom Hildebrand—who served as lead counsel for Balfour in the underlying proceedings—is out of the country and has secured leave which encompasses June 23, 2025 through June 27, 2025.

WHEREFORE, Balfour respectfully requests an order granting an extension of ten (10) days to file its Initial Reply Briefs.

PARKER POE ADAMS & BERNSTEIN LLP

/s/Katon E. Dawson, Jr.

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*Attorneys for Appellant Balfour Beatty Construction,
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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.

PROOF OF SERVICE

The undersigned hereby certifies that on June 25, 2025, a copy of **Appellant's Motion for Extension of Time to file Initial Reply 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>
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PARKER POE ADAMS & BERNSTEIN LLP

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*Attorneys for Appellant Balfour Beatty Construction,
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Atlanta, GA
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Charlotte, NC
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Washington, DC

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June 25, 2025

VIA E-MAIL & HAND DELIVERY:

The Honorable Jenny Abbott 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.: 2024-000753; Trial Court Case No.: 2019-CP-10-01108

Dear Mrs. Kitchings:

Enclosed please find Check No. 522674 in the amount of \$50.00 in satisfaction of the filing fee for Appellant's Motion for Extension of Time to File Initial Reply Brief.

Should you have any questions or need anything further, please do not hesitate to contact me.

Sincerely,

s/Katon E. Dawson, Jr.

Katon E. Dawson, Jr.

KED/tlc
Enclosures
cc: Respondent's Counsel of Record (via email only)