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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.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Record on Appeal contains all material that could be located¹ and was proposed to be included by any of the parties and not any other material.

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September 2, 2025
Columbia, South Carolina

¹ In its Designation of Matter to Be included in the Record on Appeal, Watson Electrical Construction Co., LLC (“Watson”) designated a document referred to as “Watson Electrical Construction Co., LLC’s Memorandum in Support of its Motion for Summary Judgment and Alternative Motion for Partial Summary Judgment” (item 3 on the Designation). However, Balfour has been unable to locate any such document and the circuit court’s records do not include a document identified by that title. On seven (7) separate occasions, counsel for Balfour wrote Watson’s counsel requesting clarification of Watson’s Designation and requested Watson provide it with a copy of the document it intended to designate in Item 3 of its Designation of Matter. On August 5, 2025, counsel for Watson responded to Balfour’s fourth email on this issue, and stated that he would further reply to Balfour’s request later that day. Despite sending three additional e-mails requesting a response, Balfour receive no further correspondence from Watson’s counsel on this issue. On August 29, 2025, Watson filed its Final Respondent’s Brief, and made no reference to the Record on Appeal omitting the document Balfour was unable to locate in the records of this case. As such, the Record on Appeal does not include the document identified in Item 3 of Watson’s Designation of Matter and Balfour has no record of any such document being filed with the circuit court.