

**RESPONDENT'S AMENDED COUNTER DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL**

Pursuant to the Court's Order of September 26, 2025 and without waiving any objections thereto, Respondent proposes the following be included in the Record on Appeal:

1. The entirety of the Trial Transcript, including offered and designated deposition testimony of George Michael Baumbach, p. 13, line 5- p. 14, line 10 (Timestamp 7:28-8:23); p. 14, line 24- p. 15, line 11 (Timestamp 10:00-10:30); p. 42, line 12-p. 45, line 23 (Timestamp 47:40-52:05); p. 46, line 22-p. 47, line 15 (Timestamp 53:27-54:22);
2. The entirety of the post-trial Transcripts and Orders;
3. The March 17, 2020 Order of the Trial Judge;
4. The June 17, 2020 Order of the Trial Judge;
5. All Respondent's Exhibits admitted into evidence.

I certify that this designation contains no matter which is irrelevant to this appeal.

BUNDY MCDONALD, LLC

/s W.H. Bundy, Jr.
Bundy McDonald, LLC
W.H. Bundy, Jr., Esq. (SC No. 1012)
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September 5, 2025

RECEIVED

Sep 05 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. 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 Library Associates, LLC is the Respondent.

PROOF OF SERVICE

The undersigned hereby certifies that on September 5, 2025, a copy of Respondent's Amended Counter-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:

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BUNDY MCDONALD, LLC

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Attorneys For Respondent Library Associates,
LLC.

September 5, 2025

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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

RECEIVED

Sep 05 2025

SC Court of Appeals

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's ("Respondent") Amended Counter-Designation of Matter in Appellate Case No. 2024-000788.

Also enclosed herewith is a Proof of Service of Respondent's Amended Counter-Designation of Matter. 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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