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December 15, 2025

VIA HAND DELIVERY:

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

RECEIVED
Dec 15 2025
SC Court of Appeals

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

Dear Mrs. Kitchings:

Pursuant to the Court's correspondence of December 5, 2025 in the above-referenced appeal, enclosed for filing on behalf of the Appellant please find one (1) bound copy of the Appellant's Final Brief, and Appellant's Final Reply Brief, as well as one (1) bound copy of the Record on Appeal, Volumes 1 - 51.

As stated in Balfour's Notice of Respondent's Non-Compliance and Motion to Strike or Limit Respondent's Designation of Matter to be included in the Record on Appeal, filed June 5, 2025, Library's Designation of Matter to be included in the Record on Appeal designates thousands of pages that are not cited in the briefs filed by either party. The Court's order, dated August 25, 2025, granting Balfour's Motion, in part, instructed Library to "exercise caution to ensure its designation of matter includes only relevant material as required by Rule 209(b)." Despite the Court's instruction, Library's Amended Designation of Matter continued to designate thousands of pages that are not cited in the submissions filed by either party to this appeal.

Due to Library's extensive and excessive designation of matter, Balfour has incurred thousands of dollars in additional costs associated with Balfour's preparation of the bound copy of the Record on Appeal that is being delivered for filing with this letter. Those additional costs include the cost to print more than 10,000 pages that are not cited in the briefs filed by either party. Based on Library's unjustifiable designation of irrelevant matter, Balfour intends to file a motion for costs pursuant to Rule 222, SCACR, at a later date. However, Balfour is raising this issue to the Court now so that the Court is aware of Balfour's intent while it reviews the parties' briefs, and contemplates whether Library's designation of matter violates Rule 209(b), SCACR.

December 15, 2025

Page 2

By copy of this correspondence via email, we are providing all counsel of record with a copy of this correspondence. Should you have any questions or concerns, please feel free to contact me at the number provided above.

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)