

RECEIVED

Jan 06 2026

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.

RESPONDENT'S THIRD MOTION FOR EXTENSION OF TIME TO FILE ITS FINAL BRIEF

Respondent Library Associates, LLC (“Respondent”), pursuant to Rule 240(a), SCACR, respectfully requests an extension of time of ten (10) days within which to file Respondent’s Final Brief.

This is Respondent’s third motion requesting an extension of time to file Respondent’s Final Brief.

The grounds for this motion for extension of time are as follows: (1) Respondent’s main counsel for appellate briefing has been ill for over three weeks; (2) Respondent’s main counsel necessarily needs to ensure that the Final Brief references to the Record on Appeal are accurate in the Final Brief and the illness (which has now thankfully subsided) has made it impossible to complete the Final Brief within the time currently provided; and (3) There is no prejudice to Appellant.

Given the foregoing and notwithstanding Respondent’s counsels’ best efforts, Respondent respectfully contends that good cause exists for an extension of time to file its Final Brief.

WHEREFORE, Respondent Respectfully requests an order granting an extension of time of ten (10) days within which to file Respondent’s Final Brief, up to and including Friday, January 16, 2026.

[Signature Page Follows]

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)

1516 Old Trolley Rd, 2nd Floor

Summerville, SC 29485

888-552-1559

walter@bundymcdonald.com

brent@bundymcdonald.com

Attorneys For Library Associates, LLC.

January 6, 2026

RECEIVED

Jan 06 2026

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 January 6, 2026, a copy of Respondent's Third Request for an extension of time to file its Final Brief 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

Thomas C. Hildebrand, Jr.
Robert C. Byrd
P. Nicholas Nybo
850 Morrison Drive, Suite 400
Charleston, SC 29403
(843) 727- 2650 (Office)

tomhildebrand@parkerpoe.com

bobbybyrd@parkerpoe.com

nicknybo@parkerpoe.com

Respectfully,

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)

1516 Old Trolley Rd, 2nd Floor

Summerville, SC 29485

888-552-1559

walter@bundymcdonald.com

brent@bundymcdonald.com

Attorneys For Respondent Library Associates,
LLC

January 6, 2026

January 6, 2026

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

Jan 06 2026

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 (“Respondent”) Motion for a **THIRD** extension of time of ten (10) days within which to file Respondent’s Final Brief in Appellate Case No. 2024-000788.

Also Enclosed herewith is a Proof of Service of this Request for second extension on Appellant’s Counsel. A filing fee of \$50.00 is enclosed with the copy of this correspondence sent 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:**

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

Thomas C. Hildebrand, Jr.
Robert C. Byrd
P. Nicholas Nybo
850 Morrison Drive, Suite 400
Charleston, SC 29403
(843) 727- 2650 (Office)

tomhildebrand@parkerpoe.com
bobbybyrd@parkerpoe.com
nicknybo@parkerpoe.com

Attorneys for Appellant Balfour Beatty Construction,
LLC