

The South Carolina Court of Appeals

Balfour Betty Construction, LLC, Appellant,

v.

Library Associates, LLC, and Metropolitan Life, a New York Corporation, Defendants,

And

Library Associates, LLC, Defendant/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; 1st Choice Glass, Inc.; 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; Robert Thomas Iron Design, 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; and Balfour Beatty Construction Group, Inc.; Third-Party Defendants,

of which Library Associates, LLC is the Respondent.

Appellate Case No. 2024-000788

ORDER

On June 5, 2025, Appellant filed a motion to strike or limit Respondent's designation of matter. On June 26, 2025, Respondent filed a return arguing it would suffer prejudice "[w]ithout the inclusion of the totality of the record" in light of the standard of review for the issues raised and the ability of the appellate court to affirm for any reason appearing in the record. On July 3, 2025, Appellant filed a reply.

On August 26, 2025, this court filed an order partially granting Appellant's motion. We directed Respondent to ensure its designation of matter included only relevant material as required by Rule 209(b), SCACR, and invited Respondent to eliminate any unnecessary material by filing an amended designation of matter. Respondent's amended designation of matter complied with the court's request to specify portions of the video deposition testimony it would like the court to consider; however, no other amendments were made.

On November 17, 2025, Appellant filed a record on appeal that exceeds 25,000 pages and includes fifty-one volumes.

Reviewing a record of this size would significantly impair this court from efficient appellate review of this case. It would also significantly impede this court from reviewing other pending appeals. And while it is often necessary for this court to review lengthy records, roughly 14,000 pages of the record do not appear to be cited by any party. Roughly 4,500 pages of transcript are included in the record but not cited. Additionally, many lengthy exhibits are included in the record but are not cited with specificity beyond a citation to the first page. Such citations often do not point the court to the portion of the relevant document that is pertinent to the appeal.

An effective appellate record aids the appellate court in rendering an educated decision on the issues without having to wade through volumes of unnecessary materials. Given the thousands of pages of transcripts, exhibits, and additional documents not cited in any brief, we cannot accept the record as filed.

The parties are directed to review the record, remove unnecessary materials from it, and include only those materials that are critical to the appeal. We expect counsel to fully cooperate and reach an agreement as to which pages in the record on appeal are unnecessary and, therefore, should be removed. Only those materials found to be necessary for a decision by this court in its appellate capacity shall be included.

We implement the following scheduling order:

- (1) The parties shall notify the court of an agreement by April 15, 2026;
- (2) The amended record on appeal shall be prepared and served on Respondents by May 15, 2026;
- (3) The amended record on appeal and final briefs shall be filed with this court by June 4, 2026.

No extensions will be granted absent extraordinary circumstances. Upon a showing of extraordinary circumstances warranting relief, the Court may grant up to ten (10) additional days.



FOR THE COURT

Columbia, South Carolina

FILED
Mar 16 2026

cc:

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