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SC Court of Appeals

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May 15, 2026

VIA E-MAIL:

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

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

Dear Mrs. Kitchings,

Please accept this letter on behalf of Appellant Balfour Beatty Construction, LLC in response to the Court's correspondence, dated May 14, 2026, regarding Respondent Library Associates, LLC's Third Motion for Extension of Time to file its Response to the Court's April 29, 2026 Order.

If it were not for the matter of Mr. McDonald's reported medical condition, Appellant would absolutely oppose the further extension requested by Respondent. It must be observed that Respondent has persistently requested multiple extensions of time at every stage of this appeal. Frankly, it is inconceivable that Respondent had not complied with the Court's prior orders regarding its Designation of Matter to be Included in the Record on Appeal before Mr. McDonald's unfortunate medical issue arose on May 11th.

Additionally, Appellant is concerned that, if we understand the Court's recent communications correctly, Respondent has still not filed any compliant motion for time extension because it has not paid the filing fees required by Rule. Specifically, as stated in the April 29 Order and the Court's May 14 Correspondence, it is our understanding that the Court has not yet received the requisite filing fee for any of Respondent's three Motions for Extension of Time. The Court's rules state that if a motion must be accompanied by a filing fee, then the payment of that filing fee must be mailed or delivered to the Court within five (5) days of the filing. *See* Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (as Amended April 24, 2024). As it appears, before Respondent's counsel's medical condition arose, Respondent had not even filed a compliant motion for extension of time and the deadline for compliance with the April 29 Order had passed.

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Finally, Appellant has not seen any explanation in the motions about why Mr. Bundy (who has been lead counsel for Respondent throughout the case) has not been and is not now able to prepare the Revised Designation ordered by the Court.

All the above having been said, Appellant as a party, and we as its lawyers, are not ones who seek to take advantage of another lawyer affected by a medical condition. Appellant is not in a position to consent to Respondent's extension requests; however, Appellant does not intend to file a formal Return or opposition to Respondent's Third Motion for an Extension of Time. We entrust the matter to the Court's judgment and discretion and will await the Court's decision as to how it will proceed in regard to Respondent's compliance with the Court's April 29 Order.

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 need anything further, please do not hesitate to contact me.

Sincerely,

s/Katon E. Dawson, Jr.

Katon E. Dawson, Jr.

KED/tlc

cc: Respondent's Counsel of Record (via email only)