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SC Court of Appeals

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June 5, 2026

**VIA EMAIL**

The Honorable Jenny Abbot 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:

Appellant Balfour Beatty Construction, LLC submits this letter, as requested in the Court's Order dated May 19, 2026, in response to the package of documents provided by Respondent Library Associates LLC at 8:45pm yesterday—the date Respondent was to comply with the Court's May 19, 2026 Order. Respondent filed an served a number of documents beyond what the Court authorized in its prior Order(s) directing Respondent “to inform the Appellant of pinpoint citations where Respondent's final brief cited the first page of a document or exhibit” and “provide the Appellant with the information necessary for the Appellant to prepare the amended record” on or before June 4, 2026.

Appellant is reviewing Respondent's afterhours submission for compliance with the Court's prior Orders and intends to submit another letter to the Court early next week regarding Appellant's analysis of whether Respondent's submission complies with the Court's prior Orders and provides Appellant what it needs to prepare the Amended Record as ordered by the Court. Additionally, Appellant intends to file a formal Return opposing Library's Motion to Amend Designation of Matter to be Included in the Record on Appeal on or before the June 15, 2026 deadline for filing a Return. Despite the fact that the Court's prior Orders expressly limited the scope of what Respondent may designate for inclusion in the Record on Appeal, Respondent's new Motion and related filings appear to far exceed the scope of the submission ordered by the Court. It appears that Respondent requests the Court to authorize Respondent to designate a significant number of additional pages and documents for inclusion in the Record on Appeal.

The Honorable Jenny Abbot Kitchings

April 22, 2026

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

Sincerely,

*s/James Lynn Werner*

James Lynn Werner

cc: Walter Henry Bundy, Jr. (via email - [walter@bundymcdonald.com](mailto:walter@bundymcdonald.com))  
M. Brent McDonald (via email - [brent@bundymcdonald.com](mailto:brent@bundymcdonald.com))  
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