

June 8, 2026

VIA EMAIL (ctappfilings@sccourts.org)

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211



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

Dear Ms. Kitchings:

On behalf of Respondent Library Associates, LLC, I write briefly in response to Appellant’s letter of June 5, 2026, to correct several characterizations of Respondent’s June 4, 2026 submission. Respondent will address the merits more fully in its papers, but a few points warrant immediate clarification.

First, Respondent’s submission was timely. The Court’s May 19, 2026 Order set June 4, 2026 as the date for Respondent to provide its pinpoint citations, and Respondent filed and served its submission on that date. As Appellant’s own letter acknowledges, the materials were delivered on “the date Respondent was to comply.” Filing deadlines run through the end of the designated day, and the hour of service does not render an otherwise timely submission late.

Second, Respondent’s proposed Amended Designation does not expand the record; it substantially reduces it. The previously filed Record on Appeal spanned 51 volumes and more than 25,000 pages. Respondent’s proposed Amended Designation reduces that record by approximately 28 volumes, to a physical printed record of approximately 11,546 pages, with an additional 8,934 pages of voluminous backup documentation proposed to be preserved on disk rather than printed. Far from seeking to add “a significant number of additional pages and documents,” Respondent has proposed a materially smaller record that is directly responsive to this Court’s repeated concern about the volume of the record and the burden of efficient appellate review.

Third, while it is understandable that Appellant would prefer a record limited to the materials supporting its own position, the designation Appellant has prepared omits materials essential to this Court’s review. Appellant’s designation does not include the exhibits and record materials that the Master-in-Equity specifically identified and relied upon in his Orders and Findings of Fact, nor does it include the cross-examination of

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Appellant's own witnesses. Because this matter was tried to the Master-in-Equity, this Court reviews whether any evidence reasonably supports the Master's findings and may affirm on any ground appearing in the Record on Appeal. A record curated to a single party's favorable evidence cannot provide a sufficient basis for the Court to review the facts. Respondent's proposed designation is intended to ensure the record is adequate, not advantageous.

Fourth, Respondent's submission works no prejudice to Appellant. Respondent has offered to organize and prepare the amended Record on Appeal, including both the physical record and a digitized copy of the voluminous backup materials on disk, at its own expense, which removes any cost or burden Appellant might otherwise bear. Appellant also retains its full opportunity to be heard.

Respondent respectfully submits that its Motion should be considered on its merits and looks forward to addressing Appellant's arguments in due course. Should the Court have any questions, I am happy to provide whatever further information would be helpful.

Respectfully,

s/Jesse Sanchez

Jesse Sanchez (SC Bar No. 101906)

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