

June 10, 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 10, 2026. This is Appellant's second letter arguing the merits of Respondent's pending Motion, in advance of the Return Appellant has told the Court it will file by June 15, 2026. Respondent will respond to the Return in due course rather than litigate the Motion by correspondence, and writes only to correct the record on two points.

First, the question before the Court is whether the Record on Appeal will be adequate for review of the Master's findings, and on that question Appellant's letters are conspicuously silent. Appellant's designation omits the trial testimony and exhibits on which the Master-in-Equity expressly relied in his Order, and omits the cross-examination of Appellant's own witnesses. A record limited to the evidence one party finds favorable is not a record on which this Court can review the facts. Respondent's June 4 submission addresses that problem in the manner the Court's Orders prescribed: Exhibit A provides the pinpoint citations directed by the April 29, 2026 Order, and where it identifies a document in its entirety, that is the accurate answer to the Court's question, because those are exhibits on which Respondent's brief relies as a whole. Exhibits B and C support Respondent's Motion to Amend its Designation, which is pending for the Court's consideration. Unmentioned in either of Appellant's letters: the proposed Amended Designation reduces the previously filed Record by approximately 28 volumes, and Respondent has offered to prepare the amended Record, both the physical record and the digitized materials on disk, at its own expense. Appellant's objection is not that the record would be too large or too burdensome. It is that the record would be complete.

Second, Appellant's request that the Court revoke extensions it has already granted fails on its own terms. The operative June 4 deadline was set by the May 19, 2026 Order on Respondent's third extension motion, whose filing fee was timely paid under the very authority Appellant cites. And the extension Appellant asks the Court to revoke did not rest on the earlier fees: the Court's May 12 Order itself noted they had not been received,

June 10, 2026

Letter to J. Kitchings

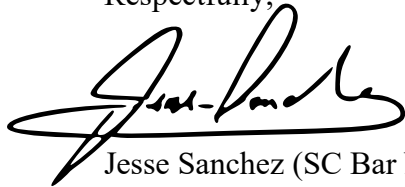
Re: *Balfour Beatty Construction, LLC v. Library Associates, LLC, et al.*

Page 2

Appellant raised the same point in its own May 15 letter, the fees were delivered that day, and the Court granted the extension on May 19 with all of it in hand. Appellant, to its credit, declined to oppose that extension in light of Respondent's counsel's hospitalization and entrusted the matter to the Court's discretion. It now asks the Court to revoke the very relief it declined to oppose, over a \$50 fee paid before the operative Order issued.

Respondent will address Appellant's remaining arguments when Appellant files its Return. Should the Court have any questions, I am happy to provide whatever further information would be helpful.

Respectfully,

A handwritten signature in black ink, appearing to read "Jesse Sanchez", with a large, sweeping flourish underneath.

Jesse Sanchez (SC Bar No. 101906)

Counsel for Respondent Library Associates, LLC

cc (via email):

James Werner, Esq.
Thomas C. Hildebrand, Jr., Esq.
Robert C. Byrd, Esq.
William Greyson Land, Esq.
Katon E. Dawson, Jr., Esq.
W.H. Bundy, Jr., Esq.
M. Brent McDonald, Esq.