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Jun 15 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Mikell R. Scarborough, Master-In Equity

Appellate Case No. 2024-000788
Case No.: 2019-CP-10-01108

Balfour Beatty Construction, LLC, Appellant,

v.

Library Associates, LLC; and Metropolitan Life Insurance Company, a New York Corporation, Defendant

And

Library Associates, LLC, 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, 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, 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, Balfour Beatty Construction Group, Inc., Third-Party Defendants.

Of which Library Associates, LLC is the Respondent.

**APPELLANT'S RETURN TO RESPONDENT'S MOTION TO AMEND DESIGNATION
OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL**

Appellant Balfour Beatty Construction, LLC ("Balfour" or "Appellant"), respectfully submits this Return (pursuant to Rule 240(e), SCACR), to Respondent Library Associates, LLC's

(“Library” or “Respondent”) June 4, 2026, Motion to Amend Designation of Matter to be included in the Record on Appeal (the “Motion”). The Court should deny Respondent’s Motion for several reasons.

Respondent’s deadline to comply with the Court’s April 29 Order was May 4, 2026. Respondent did not comply with the April 29 Order by May 4. Furthermore, Respondent did not properly obtain relief from (an extension of) that May 4 deadline. What Respondent did was file a non-compliant Motion for extension of the deadline on May 4 and again on May 7. Those motions were non-compliant because Respondent did not properly or timely pay the required filing fees in connection with those motions. With its May 4 Motion, Respondent represented to the Court “a filing fee of \$50.00 is enclosed with a copy of this correspondence sent by U.S. Mail.” With its May 7 Motion, Respondent represented to the Court that “[t]he \$50.00 filing fee will be mailed directly.” On May 12, when the Court issued an order in connection with the May 4 and May 7 motions, the Court expressly conditioned relief by holding that:

To date, the Clerk's office has not actually received the filing fees for Respondent's May 4 and May 7, 2026, motions. The Court is considering these motions in reliance upon counsel's assertion that the filing fees have already been placed in the mail.

(emphasis added).

By May 14, when Respondent sought further relief from the May 4 deadline (a further extension) on the basis of an asserted medical condition stated to have arisen on May 11, 2026, the May 4 deadline had expired without a valid extension. Only then, on May 15, did Respondent finally submit payment by means of three separate checks hand delivered to the Court, for the required filing fees for the May 4, May 7, and May 14 motions. Thus, when Respondent sought and obtained an extension of time to comply with the April 29 Order based on an asserted medical condition, the time for compliance had already expired.

On June 4, 2026, when Respondent finally provided the Court and Appellant with any attempt to address the Court's Order of April 29, the time for its compliance with the Order had already expired. Respondent was ordered to comply by May 4. We now know that Respondent's Motion to obtain relief (an extension) from that deadline was premised on a misrepresentation to the Court. So was its Motion to obtain further relief (a further extension) on May 7. In the interim order of the Court granting the extensions requested on May 4 and May 7, the Court expressly conditioned those extensions on "reliance upon counsel's assertion that the filing fees have already been placed in the mail." Since the Court's reliance was misplaced, due to counsel's assertions being false, there were no valid extensions or relief from the May 4 deadline. When Respondent made another motion for relief and an extension of time on May 14, the deadline had already expired. Respondent never requested and was never granted relief from an expired deadline—and it is not entitled to such relief.

Furthermore, even in its June 4 submissions, Respondent fails to comply with the Court's April 29 Order to "provide Appellant with pinpoint citations in instances where Respondent's final brief cites the first page of a document or exhibit." In the prior designations, Respondent merely identified the exhibit by number with citation to the first page of the exhibit. In Exhibit A to the June 4 submission Respondent modified its prior designation of each exhibit only by stating the exhibit number and referring to the exhibit with citation to the first page of the exhibit through the last page of the exhibit. In other words, Respondent provides no pinpoint citation to the content of the exhibit which supports its argument, it merely references the entire exhibit as it had done previously. The Court should not condone or reward Respondent's repeated non-compliance by allowing another opportunity to submit a Designation of Matter and further prolong these appellate proceedings.

Rather than abiding by the clear direction of the Court in its prior Orders (to reduce the size of the Record to those matters which were argued in the briefs), Respondent now—more than a year after Respondent’s original Designation was filed on May 21, 2025—requests the Court’s leave to alter the scope of the Record on Appeal and to add new and additional matter never specifically included in any prior Designation. Respondent makes this request now after all briefing is complete and Appellant’s opportunity to address additional matter in a reply has passed. Therefore, allowing Respondent to alter the content of the Record on Appeal after the briefs have been filed would prejudice Appellant.

Respondent’s proposed Amended Designation seeks to add to the Record material never cited or argued by Respondent in its Brief. Rather it seeks only to add all material referred to or cited by the Master in the Master’s October 6, 2023, Order. That Order is already part of the Record, but all material referred to or cited by the Master therein is not relevant to this appeal. If it was, it should have been cited by Respondent in its Brief. It was not and should not now be added to the Record. Material not cited in the briefs or argued by either party is not relevant to the issues on appeal.

BACKGROUND / PROCEDURAL HISTORY

The issue of the over designation of matter to be included in the Record on Appeal by Respondent was first raised by Appellant in its Notice of Respondent’s Non-Compliance and Motion to Strike or Limit Respondent’s Designation of Matter to Be included in Record on Appeal filed with the Court—more than one year ago—on June 5, 2025. Appellant filed that motion because Respondent’s initial Designation of Matter included more than 10,000 pages that were not cited in either party’s brief. Respondent’s only stated basis for including those pages was its misinterpretation of Rule 220(c), SCACR (“[t]he appellate court may affirm any ruling, order,

decision, or judgment upon any ground(s) appearing in the Record on Appeal”). In effect, Respondent’s position has been that it can simply throw everything into the Record, not argue it or cite it specifically, but have the Court do Respondent’s work for it and search out anything that might form an excuse to affirm the Master’s decision.

Understanding Respondent’s approach to be incorrect and improper, Appellant challenged the over designation.

On August 26, 2025, the Court issued an Order granting Appellant’s Motion, in part, and among other things, admonishing Respondent “to exercise caution to ensure its designation of matter includes only relevant material as required by Rule 209(b).”

Despite that Order, and the Court’s direction, Respondent did the bare minimum to amend its Designation. As a result, Appellant was required to prepare a Record on Appeal consisting of fifty-one (51) volumes and more than 25,000 pages.

Moreover, Appellant was required to draft and file a Reply Brief with little to no specificity of Record from Respondent to address. Respondent’s Initial Brief cited virtually no specific evidence in the Record in support of the Master’s finding and conclusions. Despite the deficiencies with Respondent’s Initial Brief and Designation of Matter, Appellant served and filed its Initial Reply Brief on September 25, 2025. The final Record on Appeal was filed with the Court on November 17, 2025.

Months later on March 16, 2026 (after Respondent sought and obtained multiple extensions merely to file its Final Brief), the Court issued a new Order rejecting the filed Record on Appeal. The Order directed the parties “to review the record, remove unnecessary materials from it, and include only those materials that are critical to the appeal.” The Court directed the parties to notify the Court by April 15, 2026 as to an agreement on “which pages in the record on appeal are

unnecessary and, therefore, should be removed.” The Court made clear that this direction was issued based on the Court’s conclusions that: (1) the previously filed Record on Appeal included 25,000 pages and consisted of 51 volumes; (2) the previously filed Record contained “roughly 14,000 pages” that “do not appear to be cited by any party”; (3) “roughly 4500 pages of transcript are included in the record but not cited”; and (4) “many lengthy exhibits are included in the record but are not cited with specificity beyond citation to the first page.” The Court’s Order expressly concluded that, “[g]iven the thousands of pages of transcripts, exhibits, and additional documents not cited in any brief, we cannot accept the record as filed.” The parties were given a deadline of April 15, 2026 to submit their agreement on the revised Record.

Following receipt of the Court’s Order:

1. On **March 17, 2026**, Appellant’s counsel sent a letter to Respondent’s counsel stating that Appellant was agreeable to removing pages from the post-trial hearing transcripts that were not cited by either party. Appellant’s letter requested Respondent provide its proposed revised designation no later than April 1, 2026, so the parties would have sufficient time to resolve any remaining issues and reach a final agreement ahead of the Court imposed April 15, 2026 deadline.
2. On **April 1, 2026**, Respondent emailed Appellant what it termed “a revised designation” which contained six spreadsheets listing pages and line numbers from the trial transcript. Respondent’s correspondence neither identified, nor made any reference to other materials to be included in the revised Record (no orders, exhibits, or other documents). A copy of Respondent’s correspondence and transcript designations are attached hereto as **Exhibit A**.
3. Thereafter, Appellant further revised its Designation of Matter by identifying additional transcript pages and portions of exhibits that could be removed from the Record to reduce its overall size. After working to reduce its own Designation of Matter, Appellant prepared a draft of a consolidated revised Designation which included the transcript pages identified in Respondent’s April 1 email.
4. On **April 9, 2026**, Appellant sent Respondent a letter with a draft of a proposed Joint Amended Designation. That letter requested Respondent notify Appellant immediately if Respondent had any questions, or otherwise to confirm its agreement to the new, revised designation.

5. On **April 13, 2026**—after receiving no response to its April 9 communication—Appellant emailed Respondent, asking if Respondent agreed with the proposed Joint Amended Designation.
6. On **April 14, 2026**, the counsel for the parties had a telephone conversation during which Respondent stated that its April 1 correspondence merely intended to indicate the portions of the trial transcript from Respondent’s case-in-chief it was willing to remove. Respondent said it still intended to include the remainder of the trial transcript, as well as, all of Respondent’s trial exhibits and all post-trial orders.
7. Shortly after the parties concluded that phone call, Appellant emailed Respondent seeking clarification as to the trial transcript pages Respondent intended to designate. Specifically, Appellant identified days 10 (the “housekeeping day”), and 21 through 23 (the subcontractor defendants’ presentation of their cases) of the trial transcript as additional transcript pages that should be removed. Respondent notified Appellant that it would review those pages and notify Appellant by 10:00am on April 15 as to whether it would agree those pages could be removed from the Record on Appeal.
8. On **April 15, 2026**, Respondent notified Appellant that it would agree to remove the transcript pages from those trial dates “in the interest of compromise.” But, Respondent continued to refuse to remove any exhibits or other additional documents from the Record on Appeal.
9. Shortly thereafter, Appellant sent Respondent’s counsel a draft of a proposed letter to the Court setting forth the parties’ positions and respective proposed amended designations. The parties engaged in additional telephone conferences that day, but were unable to agree to a joint amended designation.
10. When the parties were unable to reach an agreement by April 15th, Respondent proposed requesting the Court grant a one-week extension of the deadline to file an Amended Designation addressing the directions in the Court’s March 16 Order. The Court subsequently entered an order extending the deadline by seven (7) days for the parties to reach an agreement.
11. On **Thursday, April 16, 2026**, Appellant emailed Respondent asking for a new proposed amended designation by the following afternoon so that Appellant would have time to evaluate its position ahead of the new deadline of April 22 for the parties to reach an agreement.
12. On **Monday, April 20, 2026**—having received no response from Respondent—Appellant emailed Respondent again requesting that Respondent advise Appellant as soon as possible of the status of Respondent’s revised designation of matter for inclusion in the Record on Appeal.
13. On **April 21, 2026**, Respondent’s counsel notified Appellant that Respondent’s position remained the same as it was on April 15th and it still designated more than

17,000 pages to be included in the Record. Appellant thus informed Respondent there was no agreement.

14. On **April 22, 2026**, Appellant notified the Court and served Respondent with correspondence that the parties were unable to reach an agreement as to the scope and content of an Amended Record on Appeal and Appellant filed its own proposed Amended Designation of Matter. In that correspondence to the Court, Appellant notified the Court that it was Appellant's understanding that Respondent would be submitting its Designation under separate correspondence.
15. Respondent did not file anything with the Court on April 22, 2026.
16. On **April 23, 2026**, Appellant wrote Respondent stating that following the discussion among counsel on the preceding day, it was Appellant's understanding that Respondent would be submitting its own Amended Designation of Matter and noting that Appellant had not received a notification of anything being submitted to the Court on behalf of Respondent. Respondent still submitted nothing.

After receiving no response, and no new information from Respondent, the Court issued its Order on April 29, 2026 deciding the question of what would be included in the final Record.

The Court ruled:

Appellant is to **prepare an amended record on appeal consisting of the following: (1) the documents in Appellant's amended designation of matter and (2) materials cited in Respondent's final brief. Respondent is directed to provide Appellant with pinpoint citations in instances where Respondent's final brief cites the first page of a document or exhibit.** We amend our previous scheduling order as follows:

- (1) Respondent shall notify Appellant of the pinpoint citations by May 4, 2026;
- (2) The record on appeal shall be prepared and served on Respondents by May 22, 2026;
- (3) The amended record on appeal and final briefs shall be filed with this court by June 11, 2026.

(emphasis added).

On May 4, 2026—the date Respondent was to notify Appellant of the pinpoint citations in instances where Respondent's Final Brief cites the first page of a document or exhibit—Respondent filed its First Motion for Extension of Time to comply with the Court's April 29 Order.

Respondent's May 4, 2026, Motion stated, "a filing fee of \$50.00 is enclosed with a copy of this correspondence sent by U.S. Mail."

On May 7, 2026, Respondent filed a Second Motion for Extension of Time to comply with the April 29 Order. Respondent's email correspondence filing that Motion stated, "The \$50.00 filing fee will be mailed directly."

On May 12, 2026, the Court issued an Order granting Respondent's May 4 and May 7 Motions with an express caveat:

The Court is considering these motions in reliance upon counsel's assertion that the filing fees have already been placed in the mail.

(emphasis added).

On May 14, 2026, Respondent filed its Third Motion for Extension of Time to comply with the April 29 Order, to notify Appellant of the pinpoint citations for those instances where Respondent's Brief cites only the first page of a document or exhibit. That same day, the Court sent a letter to Respondent notifying it that its motion was deficient based on a failure to submit the required filing fee.

The Court's records establish that three checks, dated May 15, 2026, were hand delivered to the Court on May 15, 2026. According to the Court's records, the "Check/Money Order Date" for the filing fee payment for each of Respondent's Motions for Extension was May 15, 2026. *See* Receipt #108160; Receipt #108161; and Receipt #108162, copies attached hereto as **Exhibit B**. Therefore, the filing fees for Respondent's May 4 and May 7 Motions for Extension were not submitted to the Court until eleven (11) days after the filing of the first motion and eight (8) days after the filing of the second motion. Thus, Respondent's representation to the Court in its May 4 Motion that "a filing fee of \$50.00 is enclosed with a copy of this correspondence sent by U.S. Mail" was patently false.

On May 19, 2026, the Court issued an Order in response to Respondent’s Third Motion for Extension. That Order stated:

The court asked Respondent to notify the Appellant which specific pages of each designated document are necessary for efficient appellate review of this case . . . In the event the Respondent does not provide the Appellant with the information necessary for the Appellant to prepare the amended record by June 4, 2026, the Appellant should inform the court by letter, and the court will issue directions about how to proceed.

On June 4, 2026, Respondent filed a Motion to Amend Designation of Matter to Be Included in the Record on Appeal. With that Motion, Respondent included four Exhibits denominated as:

- i. “Exhibit A – Pinpoint Citations to Respondent’s Final Brief”
- ii. “Exhibit B – Pinpoint Citations to the Master’s Trial Order”
- iii. “Exhibit C – Respondent’s Amended Designation of Matter to be Included in the Record on Appeal”
- iv. “Exhibit D – Orders of the Master-In-Equity”

Appellant previously notified the Court by letter that Respondent had not complied with the May 19 Order and now submits this Return in opposition to Respondent’s June 4 Motion.

ARGUMENTS

I. Respondent has no right to file a “Response” to the Court’s April 29 Order

When Respondent did not work with Appellant to reach an agreement addressing the directions provided in the Court’s Order, and Respondent submitted nothing to the Court regarding its position or proposed response, the Court issued its April 29 Order deciding the content of the final Record on Appeal. At that time, Respondent had no right to “respond” to the April 29 Order. Its duty was to comply with that Order. Specifically, Respondent had the duty to provide

“pinpoint” citations in instances where Respondent’s Final Brief cited only the first page of a document or exhibit.

The South Carolina Appellate Court Rules clearly state that the Court will not entertain motions or petitions for rehearing unless the action of the Court on the motion has the effect of dismissing or finally deciding a party’s appeal. *See* Rule 221(c), SCACR. Therefore, Respondent has no right to “respond” or seek alternative relief to the Court’s April 29 Order. Respondent’s only option is to comply with the Court’s Orders and “provide Appellant with pinpoint citations in instances where Respondent’s final brief cites the first page of a document or exhibit.” The Court’s April 29 Order already decided that Respondent is not entitled to designate more than the material referenced as being in the Record on Appeal in the April 29 Order. Respondent’s June 4 submissions do not comply with the Court’s April 29 Order.

Moreover, Respondent’s so-called “Response” is untimely. The Court instructed Respondent to comply with the Court’s Orders no later than May 4, 2026. However, Respondent did not comply with the Court’s Orders on that date and, instead, filed a motion for a three-day extension of time to comply. Three days later on May 7, 2026, Respondent filed a second motion for extension. On May 12, 2026, the Court noted that that there was no record that the Court had received the filing fees that were required in connection with the motions, and which Respondent had expressly represented to the Court it had already submitted. Any extension of the May 4 deadline was expressly condition on the filing fees having already been paid—as Respondent had represented to the Court. The record at the Court now establishes that the assertions by Respondent about the payment of required fees were false. Any seeming extension of the May 4 and May 7 deadlines was obtained under false pretense.

The record now establishes that, contrary to Respondent's counsel's assertions, the filing fees for the motions had not already been paid or placed in the mail. The Court's records establish that no filing fee for any of the three motions was put in the mail or paid until three checks dated May 15, 2026 were delivered to the Court on May 15, 2026. Therefore, the filing fees for Respondent's First and Second Motions for Extension were not submitted to the Court until eleven (11) days after the filing of the first motion and eight (8) days after the filing of the second motion. Thus, Respondent's representation to the Court in its May 4, 2026, motion that "a filing fee of \$50.00 is enclosed with a copy of this correspondence sent by U.S. Mail" was false.

In light of these facts, and given that the Court previously stated that it was only considering the requested extensions "in reliance upon counsel's assertion that the filing fees have been placed the mail," it is appropriate (and fair) that the extensions be recognized as nullities. *See* Rule 240(d), SCACR; Rule 240(g), SCACR. Respondent's deadline for complying with the Court's April 29 Order has expired. It would be improper to allow Respondent's Third Motion for Extension to correct the deficiencies of the first two motions that were filed under false pretenses. Accordingly, Respondent has no right to file a "Response" to the Court's April 29 Order or a new Motion to amend its Designation of Matter and, therefore, the Court should deny Respondent's Motion.

II. Respondent Failed to Comply with the April 29 Order.

Independent of the fact that Respondent did not submit any attempt at an Amended Designation until thirty-one (31) days after the May 4, 2026 deadline set by the Court, Respondent's June 4 submissions do not comply with what the Court ordered it to do.

Exhibit A to Respondent's Motion to Amend its Designation of Matter appears to be Respondent's attempt to comply with the April 29 Order to "provide Appellant with pinpoint citations in instances where Respondent's final brief cites the first page of a document or exhibit." However, Respondent's Exhibit A does not provide pinpoint cites to the relevant portions of the

exhibits cited in Respondent's Final Brief. The Court ordered "pinpoint" citations when in the Final Brief Respondent had merely identified the exhibit by number and referred to it merely by the identification for the first page of that exhibit. Now, Respondent has the audacity to suggest that a "pinpoint" citation is satisfied by merely stating the exhibit number and referring to the first page of that exhibit through the last page of that exhibit. In other words, it still cites broadly to the entire exhibit, with no specificity.

III. The Court should deny Respondent's request for leave to file an Amended Designation of Matter to be included in the Record on Appeal.

A. The Court should deny Respondent's Motion because Respondent lost the right to file an Amended Designation of Matter when it repeatedly failed to comply with Rule 209(b) of the South Carolina Appellate Court Rules.

Respondent's June 4 Motion fails to comply with what the Court ordered on April 29, seeks to ignore the Court's decision about what would be included in the final Record on Appeal, and now seeks to add even new matter to the Record that it never specifically designated or cited in its Brief previously. Respondent's deadline to identify what it sought to designate for the Record was May 21, 2025. At that time, even with its ridiculously overbroad designation, Respondent never specifically designated all materials that the Master referred to or cited in his prior Orders. It certainly never cited to those materials in its Brief. Now, after all briefing is complete, and multiple attempts and orders addressed at finalizing the Record have gone by, Respondent submits its Exhibit B seeking to add to the Record a substantial volume of new material never before designated specifically. That Motion by Respondent is untimely and improper. It must be denied.

Respondent's failure to comply with the governing rules and the prior orders issued by the Court compels the conclusion that Respondent has lost the right to designate anything more than the trial transcript pages and exhibits cited in its brief—subject to the Court's further limitation

that Respondent was to provide Appellant with pinpoint citations in instances where Respondent's Final Brief cites only the first page of a document or exhibit.

Respondent first had the opportunity to file a compliant Designation of Matter when it filed its Initial Respondent's Brief and Designation of Matter on May 21, 2025. It did not.

Then, Respondent was put on notice that its Designation of Matter was not in compliance with the governing rules when Appellant filed its Notice of Respondent's Non-Compliance and Motion to Strike or Limit Respondent's Designation of Matter to Be included in Record on Appeal which Appellant filed with the Court—more than one year ago—on June 5, 2025.

Next, Respondent was again made aware of the deficiencies with its Designation of Matter when the Court issued the August 26, 2025 Order granting Appellant's Motion, in part. Respondent failed to substantively amend its Designation of Matter and provide a compliant Designation in response to that Order.

After Appellant prepared, served, and filed a Record on Appeal containing Respondent's excessive and improper designations, the Court provided Respondent another opportunity to file a compliant Designation of Matter when it issued the March 16, 2026 Order directing the parties to reach an agreement as to a reduced Record on Appeal. Respondent failed to comply with that Order or even provide a timely response to the Court.

Respondent's failure to respond timely to that Order necessitated the Court's issuance of the April 29 Order. As discussed herein, Respondent failed to serve or file an Amended Designation of Matter that was timely and proper.

Now, Respondent requests the Court ignore its prior failures and disregard for the Court's directions and seeks to file an Amended Designation and increase even more the size and content of the Record. Respondent's repeated failure to comply with the Rules and the Court's Orders

should result in the Court denying Respondent's request for leave to file an Amended Designation of Matter.

B. Respondent's proposed Designation of Matter prejudices Appellant.

Allowing Respondent to file an Amended Designation of Matter more than a year after Respondent filed its initial Designation of Matter and after the parties filed their initial briefs and final briefs does prejudice Appellant.

The scope and content of the Record on Appeal impacts the presentation of a party's arguments on appeal. Throughout this appeal, Respondent has provided nothing more than non-specific overly broad citations to thousands of pages, without identifying the material that actually relates to the issues and arguments on appeal. Instead, Respondent obviously pursues a strategy based on an erroneous contention that the standard of review for appeals from decisions rendered by a master-in-equity require the Court to itself scour an all encompassing record to find any shred which might support or justify a favorable outcome for Respondent. Respondent's position is now apparent; it believes it is not required to provide citations, evidence, or material it is relying upon to support its positions. Rather, Respondent's approach would place Appellant—and the Court—in the position of guessing what material Respondent relies upon to support its positions. Respondent wants the Court to search the record and essentially craft arguments for it to justify a favorable outcome. Respondent seeks to place undue and improper burden on the Court to divine what Respondent is contending supports its positions in this appeal. Respondent's approach is not justified or tenable. *See United States v. Dunkel*, 927 F.2d 955, 956 (7th Cir. 1991) (explaining that “[j]udges are not like pigs, hunting for truffles buried in [the record]”); *Garrett v. Selby Connor Maddux & Janer*, 425 F.3d 836, 840 (10th Cir. 2005) (“the court cannot take on the responsibility of serving as the litigant's attorney in constructing arguments and searching the record”); *Jones v. Eaton Corp.*, No. CV 3:15-4236-JMC-KDW, 2017 WL 2332638, at *15 n. 15

(D.S.C. Feb. 9, 2017), *report and recommendation adopted*, No. 3:15-CV-04236-JMC, 2017 WL 1190873 (D.S.C. Mar. 31, 2017) (“it is not the court’s job to scour the record for details or to independently determine where facts may be located in the record”).

Respondent’s new proposal to alter its designation and include thousands of pages never before specifically designated or cited by either party in the briefs (more than a year after Respondent filed its Initial Brief) is improper. Allowing Respondent’s request would prejudice Appellant.

At its core, Respondent argues that it should be permitted to designate thousands of pages that are not cited by either party since Rule 220(c), SCACR, allows an appellate court to affirm a lower court ruling, order, decision or judgment “upon any ground(s) appearing in the Record on Appeal.” Neither the spirit, nor the letter of the appellate court rules justifies the approach taken by Respondent. In fact, South Carolina courts have consistently admonished parties for including matter in the Record on Appeal that is not relevant to the issues raised in the appeal. *See State v. Harris*, 278 S.C. 46, 46–47, 292 S.E.2d 40, 40 (1982) (“We see in this appeal no hint of effort to cull irrelevant matter from the record. We denounce not only this casual violation of [the rule], but also the shocking waste such disobedience begets.”); *Merritt v. Grant*, 285 S.C. 150, 158–59, 328 S.E.2d 346, 351 (Ct. App. 1985).

Despite clear statements from the Court that: (i) “a party shall not include any matter in his Designation which is not relevant to the appeal”, Rule 209(b), SCACR; and (ii) parties have an obligation to “cull irrelevant matter from the record”, *Harris*, 278 S.C. at 46–47, 292 S.E.2d at 40, Respondent’s proposed Amended Designation of Matter includes thousands of additional pages never cited by either Respondent or Appellant in their briefs.

Instead of complying with Rule 209(c) and identifying only relevant information, Respondent seeks to place its burden on the Court to scour the thousands of pages included in the proposed Amended Designation that are not cited by either party in the briefs. When other courts have been confronted with comparable actions by a litigant (offering no specific record cites, no specific legal arguments and no apparent legal research in support of its positions) those courts have refused to assume the responsibility to serve effectively as the litigant's counsel in constructing the arguments and searching the record.

In *Swint v. Dish Network*, No. 23-4098, 2023 WL 8074820, at *1 (10th Cir. Nov. 21, 2023), *cert. denied*, 144 S. Ct. 1069, 218 L. Ed. 2d 247 (2024), the United States Court of Appeals for the Tenth Circuit said:

We 'can affirm a lower court's ruling on any grounds adequately supported by the record, even grounds not relied upon by the district court.' Because [the plaintiff] appears pro se, we construe his filings liberally, but we do not serve as his advocate.

We may make allowances for failure to cite proper legal authority, confusion of legal theories, poor syntax and sentence construction, or unfamiliarity with pleading requirements, but **we cannot take on the responsibility of constructing arguments and searching the record.**

(emphasis added, citations omitted).

Courts have routinely admonished parties who ignore the operative rules and designate materials that are not relevant to the issues before the Court. Like those Courts, this Court should reject Respondent's request for leave to file an Amended Designation of Matter and deny Respondent's Motion.

Accordingly, allowing Respondent to file an Amended Designation of Matter at this late date would prejudice Appellant and should be rejected.

CONCLUSION

For the reasons set forth herein, the Court should deny Respondent's Motion for leave to file an Amended Designation of Matter.

PARKER POE ADAMS & BERNSTEIN LLP

s/James Lynn Werner

James Lynn Werner (SC Bar No. 6029)
Katon Edwards Dawson Jr. (SC Bar No. 101167)
1221 Main Street, Suite 1100
Columbia, SC 29201
(803) 255-8000
jimwerner@parkerpoe.com
katondawson@parkerpoe.com

Thomas C. Hildebrand, Jr. (S.C. Bar No. 2501)
Robert C. Byrd (S.C. Bar No. 1069)
850 Morrison Drive, Suite 400
Charleston, SC 29403
(843) 727- 2650 (Office)
tomhildebrand@parkerpoe.com
bobbybyrd@parkerpoe.com

Attorneys for Appellant Balfour Beatty Construction, LLC

June 15, 2026
Columbia, South Carolina

Exhibit A

Respondent's April 1, 2026 Correspondence and
Revised Designation

From: [Sherry Taft](#)
To: [Dawson, Jr., Katon E.](#)
Subject: Balfour Beatty Construction, LLC v. Library Associates, LLC, et al.
Date: Wednesday, April 1, 2026 1:17:46 PM
Attachments: [MBM - Balfour Beatty Const. LLC v. Library Assoc. 412026 - Transcripts.docx](#)
[Transcript 1.xlsx](#)
[Transcript 2.xlsx](#)
[Transcript 3.xlsx](#)
[Transcript 4.xlsx](#)
[Transcript 5.xlsx](#)
[Transcript 6.xlsx](#)

Caution: External email

Mr. Dawson,
Please find attached the requested revised designation pursuant to the March 16 order.

Best Regards,
Sherry Taft
Bundy McDonald Trial Lawyers
1516 Old Trolley Road - 2nd Floor
Summerville, SC 29485
843-492-4134

April 1, 2026

Via Email

Katon E. Dawson, Jr.
Parker Poe Adams & Bernstein LLP
1221 Main Street
Suite 1100
Columbia, SC
katondawson@parkerpoe.com

RE: Balfour Beatty Construction, LLC v. Library Associates, LLC, et al.
Appellate Case No.:2024-000788; Trial Court Case No.: 2019-CP-10-01108

Mr. Katon,

Pursuant to the March 16 order, I am submitting the revised designation.

Best Regards,

/s MB McDonald

Brent McDonald

MBM/slt

October 26, 2021

TO BE INCLUDED IN TRANSCRIPT

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2607	12 thru 18
2608	24 thru 25
2609	1 thru 3
2610	1 thru 5 and 6 thru 17
2611	23 thru 25
2612	1 thru 25
2613	1 thru 4 and 16 thru 25
2614	1 thru 25
2615	1 thru 25
2616	1 thru 2 and 15 thru 25
2617	1 thru 5 and 11 thru 13
2618	20 thru 24
2619	11 thru 25
2620	1 thru 25
2621	1 thru 10
2622	6 thru 20
2623	1 thru 5
2626	11 thru 25
2628	16 thru 21
2629	12 thru 22
2360	1 thru 2 and 7 thru 25
2631	1 thru 16
2633	6 thru 18
2639	3 thru 5
2641	22 thru 25
2642	1 thru 2
2644	1 thru 11
2646	11 thru 16
2647	6 thru 10

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NUMBER 1

2649	13 thru 20
2658	12 thru 25
2659	1 thru 8
2660	21 thru 25
2661	1 and 13 thru 25
2662	1
2663	9 thru 25
2664	1 thru 6, 12 thru 13, 16 thru 20, and 24 thru 25
2665	1 thru 5 and 9 thru 25
2666	1 thru 25
2667	1 thru 18
2669	20 thru 25
2670	1 thru 25
2671	1 thru 25
2672	1 thru 25
2673	1 thru 25
2674	1 thru 25
2675	1 thru 25
2676	1 thru 13
2677	9 thru 25
2678	1 thru 13 and 23 thru 25
2679	1 thru 15
2680	19 thru 25
2681	1 thru 23
2682	1 thru 25
2683	1 thru 5 and 21 thru 25
2684	1 thru 25
2685	1 thru 25
2686	1 thru 4 and 7 thru 24
2687	3 thru 5 and 11 thru 25
2689	3 thru 25
2690	1 thru 25
2691	1 thru 9
2692	1 thru 25
2693	1 thru 2
2694	1 thru 6 and 22 thru 24
2695	8 thru 25
2699	1 thru 25
2697	1 thru 25

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NUMBER 1

2698	1 thru 16
2700	5 thru 14
2701	7 thru 25
2702	1 thru 18 and 20 thru 25
2705	17 thru 21
2706	13 thru 18
2707	18 thru 25
2708	1 thru 25
2709	1 thru 25
2710	1 thru 20
2711	18 thru 25
2712	1 thru 25
2713	1 thru 25
2714	1 thru 19
2716	13 thru 25
2717	1 thru 25
2718	1 thru 25
2719	1 thru 25
2720	1 thru 25
2721	1 thru 25
2722	1 thru 25
2723	1 thru 25
2724	1 thru 25
2725	1 thru 14
2727	1 thru 25
2728	1 thru 25
2729	1 thru 25
2730	1 thru 25
2731	1 thru 25
2732	1 thru 25
2733	1 thru 25
2734	1 thru 25
2735	1 thru 25
2736	1 thru 25
2737	1 thru 25
2738	1 thru 25
2739	1 thru 25
2740	1 thru 25
2741	1 thru 25

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NUMBER 1

2742	1 thru 25
2743	1 thru 25
2744	1 thru 25
2745	1 thru 25
2746	1 thru 26
2747	1 thru 25
2748	7 thru 25
2749	1 thru 20
2750	1 thru 25
2751	1 thru 25
2752	7 thru 25
2753	1 thru 20
2754	1 thru 25
2755	1 thru 17 and 20 thru 25
2756	1 thru 25
2757	1 thru 25
2758	1 thru 25
2759	1 thru 25
2760	1 thru 25
2761	1 thru 25
2762	1 thru 19 and 24 thru 25
2763	1 thru 25
2764	1 thru 25
2765	1 thru 25
2766	1 thru 25
2767	1 thru 25
2768	1 thru 25

Balfour Beatty Construction, LLC v. Library Associates, LLC, et al

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NUMBER 2

PAGE NUMBER	PAGE NUMBER
2781	1 thru 23
2782	1 thru 24
2783	1 thru 9
2784	0
2793	25
2794	1-7 and 20-25
2795	1 thru 7
2796	7 thru 14
2797	20 thru 25
2798	1 thru 12
2799	13 thru 18
2800	9 thru 25
2806	13 thru 25
2807	1-7, 11-20, and 24-25
2808	1 thru 20
2809	20 thru 25
2810	1 thru 13
2812	11-12 and 16-25
2813	11 thru 25
2814	1 thru 6
2815	3-5 and 12-25
2816	1 thru 25
2817	1-2, and 16-25
2818	1 thru 21
2819	2 thru 25
2820	1 thru 25
2821	1 thru 24
2822	17 thru 18
2823	1 thru 21
2824	3 thru 25
2825	12 thru 25
2826	1, 4, 7-20 and 23-25
2827	1 thru 25
2828	1 thru 25
2829	3 thru 25
2830	1 thru 7
2832	1 thru 21
2833	11 thru 25

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NUMBER 2

2834	2-18 and 20-25
2835	1-6 and 13-24
2836	3 thru 25
2837	1 thru 21
2838	7-10 and 22-25
2839	1 thru 18
2840	2 thru 21
2841	4 thru 25
2842	1 thru 14
2843	3 thru 25
2844	1-8 and 19-25
2845	1-8 and 16-25
2846	1 thru 25
2847	1 thru 10
2848	7 thru 25
2849	1-3 and 11-25
2850	1-4 and 15-25
2851	1-12 and 22-25
2852	1 thru 23
2854	8-12 and 17-25
2855	1 thru 25
2856	1-5 and 13-25
2857	10 thru 25
2858	1 thru 25
2859	1 and 10-25
2860	1, and 10-24
2861	8 thru 24
2862	7 thru 25
2863	1 thru 25
2864	1-5 and 16-25
2865	1-8 and 17-25
2866	1 thru 25
2867	1-8 and 18-25
2868	1-4 and 14-25
2869	1-8 and 18-21
2870	4 thru 19
2871	4 thru 18
2900	1 thru 25
2901	1 thru 12

Balfour Beatty Construction, LLC v. Library Associates, LLC, et al

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NUMBER 2

2902	1 thru 8
2903	13-25
2904	1 thru 25
2932	1 thru 18
2935	1 thru 6
2936	9 thru 25
2937	1 thru 25
2938	24
2950	14-17 and 25
2951	1 thru 25
2952	1 thru 19
2955	19
2956	15-25
2957	1 thru 25
2958	1 thru 25
2959	1 thru 25
2960	1 thru 25
2961	1 thru 25
2962	1 thru 25
2963	1-14 and 22-25
2964	1 thru 15
2965	12 thru 25
2966	1-11 and 17-25
2967	1 thru 25
2968	1 thru 25
2969	1 thru 25
2970	1 thru 25
2971	1 thru 25
2972	1 thru 25
2973	1 thru 25
1974	1 thru 25
2975	1 thru 25
2976	1 thru 25
2977	1 thru 25
2978	1 thru 25
2979	1 thru 25
2980	1 thru 25
2981	1 thru 25
2982	1 thru 25

Balfour Beatty Construction, LLC v. Library Associates, LLC, et al

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NUMBER 2

2983	1 thru 25
2984	1 thru 25
2985	1 thru 25
2986	1 thru 25
2987	1 thru 25
2988	1 thru 25
2989	1 thru 25
2990	1 thru 25
2991	1 thru 25
2992	1 thru 25
2993	1 thru 25
2994	1 thru 25
2995	1 thru 25
2996	1 thru 25
2997	1 thru 25
2998	1 thru 25
2999	1 thru 25
3000	1 thru 25
3001	1 thru 25
3002	1 thru 25
3003	1 thru 25
3004	1 thru 25
3005	1 thru 25
3006	1 thru 25
3007	1 thru 25
3008	1 thru 25
3009	10 thru 25
3010	1 thru 25
3011	1 thru 25
3012	1-21 and 24-25
3013	1 thru 9
3014	1 thru 25
3015	1-17 and 21-25
3016	1 thru 25
3017	1 thru 25
3018	1-5, 10-14, and 17-21
3019	10 thru 25
3020	1 thru 25
3021	1 thru 25

Balfour Beatty Construction, LLC v. Library Associates, LLC, et al

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NUMBER 2

3022	1 thru 25
3023	1 thru 25
3024	1 thru 25
3025	1 thru 25
3026	1 thru 25
3027	1 thru 25
3028	1 and 15-25
3029	1 thru 25
3030	1-3 and 15-25
3031	1 thru 25
3032	1 thru 25
3033	1, and 12-25
3034	1 thru 25
3035	1 thru 25
3036	1 thru 9
3037	1 thru 8
3038	1 thru 22

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NUMBER 3

PAGE NUMBER	PAGE NUMBER
3039	1 thru 23
3040	1 thru 24
3041	1 thru 9
3042	1 thru 9
3039	1 thru 7
3096	1 thru 25
3097	1 thru 25
3098	1 thru 25
3099	1 thru 9
3116	14 thru 25
3118	6 thru 25
3119	1 thru 25
3120	1 thru 25
3121	1 thru 25
3122	1 thru 25
3123	1 thru 25
3124	1 thru 25
3125	1 thru 21
3126	2 thru 25
3127	1 thru 25
3128	1 thru 25
3129	1 thru 25
3130	9 thru 25
3131	1 thru 9 and 21 thru 25
3132	1 thru 25
3133	1 thru 19 and 22 thru 25
3134	5 thru 24
3135	16 thru 22
3136	1 thru 5 and 15 thru 25
3137	1 thru 25
3138	5 thru 22
3139	8 thru 25
3140	1 thru 25
3141	1 thru 19 and 21 thru 25
3142	1 thru 25
3143	1 thru 25
3144	1 thru 25
3145	1 thru 25

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NUMBER 3

3146	1 thru 20
3147	15 thru 25
3148	1 thru 25
3149	1 thru 25
3150	1 thru 8 and 16 thru 23
3151	14 thru 25
3152	1 thru 25
3153	1 thru 23
3154	18 thru 25
3155	1 thru 25
3156	1 thru 25
3157	1 thru 25
3158	1 thru 25
3159	1 thru 25
3160	1 thru 25
3161	1 thru 25
3162	1 thru 25
3163	1 thru 25
3164	1 thru 25
3165	1 thru 25
3166	1 thru 25
3167	1 thru 25
3168	1 thru 25
3169	1 thru 25
3170	1 thru 25
3171	1 thru 25
3172	1 thru 25
3173	1 thru 25
3174	1 thru 25
3175	1 thru 25
3176	1 thru 25
3177	1 thru 22
3178	6 thru 25
3179	1 thru 25
3180	1 thru 25
3181	1 thru 25
3182	1 thru 25
3183	1 thru 25
3184	1 thru 23

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NUMBER 3

3185	12 thru 25
3186	1 thru 25
3187	1 thru 25
3188	1 thru 25
3189	1 thru 25
3190	1 thru 25
3191	1 thru 25
3192	1 thru 25
3193	1 thru 25
3194	1 thru 25
3195	1 thru 25
3196	1 thru 25
3196	1 thru 25
3197	1 thru 25
3198	1 thru 5
3199	7 thru 25
3200	1 thru 25
3201	1 thru 25
3202	1 thru 25
3203	1 thru 25
3204	1 thru 25
3205	1 thru 25
3206	1 thru 19
3208	11 thru 25
3209	9 thru 25
3210	1 thru 25
3211	1 thru 25
3212	1 thru 25
3213	1 thru 25
3214	1 thru 25
3215	1 thru 25
3216	1 thru 25
3217	1 thru 25
3218	1 thru 23
3219	21 thru 25
3220	1 thru 25
3221	1 thru 25
3222	1 thru 25
3223	1 thru 25

Balfour Beatty Construction, LLC v. Library Associates, LLC, et al

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NUMBER 3

3224	1 thru 25
3225	1 thru 25
3226	1 thru 25
3227	1 thru 25
3228	1 thru 25
3229	1 thru 25
3230	1 thru 25
3231	1 thru 25
3232	19 thru 25
3233	1 thru 25
3234	1 thru 25
3235	1 thru 25
3236	1 thru 25
3237	1 thru 25
3238	1 thru 25
3239	1 thru 25
3240	1 thru 25
3241	1 thru 25
3242	1 thru 25
3243	1 thru 6 and 9 thru 25
3244	1 thru 25
3245	1 thru 25
3246	1 thru 25
3247	1 thru 25
3248	1 thru 25
3249	1 thru 25
3250	1 thru 25
3251	1 thru 25
3252	1 thru 25
3253	1 thru 25
3254	1 thru 25
3255	1 thru 25
3256	1 thru 25
3257	1 thru 2 and 17 thru 25
3258	1 thru 25
3259	1 thru 25
3260	1 thru 25
3261	1 thru 25
3262	1 thru 25

Balfour Beatty Construction, LLC v. Library Associates, LLC, et al

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NUMBER 3

3263	1 thru 25
3264	1 thru 25
3265	1 thru 25
3266	1 thru 8 and 22 thru 25
3267	1 thru 25
3268	1 thru 25
3269	1 thru 25
3270	1 thru 25
3271	1 thru 25
3272	1 thru 25
3273	1 thru 25
3274	1 thru 25
3275	1 thru 25
3276	1 thru 25
3277	1 thru 25
3278	1 thru 25
3279	1 thru 25
3280	1 thru 25
3281	1 thru 25
3282	1 thru 25
3283	1 thru 25
3284	1 thru 25
3285	1 thru 25
3286	1 thru 25
3287	1 thru 25
3288	1 thru 25
3289	1 thru 25
3290	1 thru 25
3291	1 thru 13 and 17 thru 25
3292	1 thru 25
3293	1 thru 25
3294	19 thru 25
3295	1 thru 25
3296	1 thru 25
3297	1 thru 25
3298	1 thru 12
3300	1 thru 22

Balfour Beatty Construction, LLC v. Library Associates, LLC, et al

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NUMBER 4

PAGE NUMBER	PAGE NUMBER	
3301	1 thru 23	
3302	1 thru 24	
3303	1 thru 9	
3304	1 thru 8	
3317	21 thru 25	
3318	1 thru 25	
3319	1 thru 25	
3320	1, and 22 thru 23	
3321	1 thru 5	
3322	1 thru 4 and 25	
3323	1, and 12 thru 25	
3324	1 thru 9	''
3333	1 thru 6	
3334	1 thru 5	
3336	12 thru 25	
3337	11 thru 16	
3339	1 thru 25	
3340	1 thru 25	
3342	6 thru 25	
3343	1	
3344	12 thru 25	
3438	16 thru 20	
3439	25	
3440	1 thru 10	
3441	1, 6 thru 16, and 19 thru 25	
3443	21 thru 25	
3444	1 thru 25	
3445	1 thru 24	
3446	12 thru 25	
3447	1 thru 25	
3448	1 thru 25	
3449	19 thru 4	
3453	1 thru 21	
3455	1 and 4 thru 25	
3456	1 thru 25	
3457	1 thru 25	
3458	1 thru 25	
3459	11 thru 25	

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NUMBER 4

3460	1 thru 25	
3461	1 thru 25	
3462	1 thru 25	
3463	1 thru 7	
3464	1 thru 22	
3465	7 thru 25	
3466	1 thru 25	
3467	1 thru 25	
3468	1 thru 25	
3469	1 thru 25	
3470	1 thru 25	
3471	1 thru 25	
3472	1 thru 25	
3473	1 thru 24	
3474	6 thru 25	
3475	1 thru 5	
3476	7 thru 25	
2477	1 thru 20	
3478	1 thru 19	
3479	7 thru 11 and 15 thru 20	
3530	24 thru 25	
3531	1 thru 2	
3542	15 thru 17 and 22 thru 25	
3543	1 thru 25	
3544	1 thru 25	
3545	1 thru 14 and 19 thru 25	
3546	1 thru 25	
3547	1 thru 25	
3548	1 thru 25	
3549	1 thru 25	
3550	1 thru 25	
3551	1 thru 25	
3552	1 thru 25	
3553	1 thru 25	
3554	1 thru 25	
3555	1 thru 25	
3556	1 thru 25	
3557	1 thru 25	
3558	1 thru 25	

Balfour Beatty Construction, LLC v. Library Associates, LLC, et al

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TO BE INCLUDED IN TRANSCRIPT

NUMBER 4

3559	1 thru 25	
3560	1 thru 25	
3561	1 thru 20	
3562	1 thru 25	
3563	1 thru 22	
3564	12 thru 25	
3575	11 thru 25	
3576	1 thru 25	
3577	1 thru 25	
3578	1 thru 25	
3579	1 thru 25	
3580	1 thru 25	
3587	6 thru 16 and 24 thru 25	
3588	1 thru 25	
3589	1 thru 25	
3590	1 thru 25	
3591	1 thru 25	
3591	1 thru 25	
3593	1 thru 25	
3594	1 thru 25	
3595	1 thru 25	
3596	1 thru 25	
3597	1 thru 25	
3598	1 thru 25	
3599	1 thru 25	
3600	1 thru 25	
3601	1 thru 25	
3602	1 thru 25	
3603	1 thru 25	
3604	1, and 9 thru 25	
3605	1 thru 25	
3606	1 thru 25	
3607	1 thru 25	
3608	1 thru 25	
3609	1 thru 20	
3610	9 thru 25	
3611	1 thru 25	
3612	1 thru 25	
3613	1 thru 23	

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NUMBER 4

3614	8 thru 25	
3615	1 thru 25	
3616	1 thru 25	
3617	1 thru 25	
3618	6 thru 25	
3619	1 thru 11	
3622	1 thru 25	
3622	1 thru 25	
3624	1 thru 12	
3625	9 thru 25	
3626	1 thru 21	
3627	4 thru 25	
3628	1 thru 25	
3629	1 thru 25	
3630	1 thru 25	
3631	1 thru 25	
3632	1 thru 25	
3633	1 thru 25	
3634	1 thru 25	
3635	1 thru 25	
3636	1 thru 25	
3637	1 thru 25	
3638	1 thru 25	
3639	1 thru 25	
3640	1 thru 25	
3641	1 thru 25	
3642	1 thru 25	
3643	1 thru 25	
3644	1 thru 25	
3645	1 thru 25	
3647	1 thru 25	
3648	1 thru 25	
3649	1 thru 22	
3650	10 thru 25	
3651	1 thru 25	
3652	1 thru 25	
3653	1 thru 25	
3654	1 thru 25	
3655	1 thru 25	

Balfour Beatty Construction, LLC v. Library Associates, LLC, et al

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NUMBER 4

3656	1 thru 25	
3657	1 thru 25	
3658	1 thru 25	
3659	1 thru 25	
3660	1 thru 25	
3661	1 thru 25	
3662	1 thru 25	
3663	1 thru 25	
3664	1 thru 25	
3665	1 thru 25	
3666	1 thru 9 and 12 thru 25	
3667	1 thru 25	
3668	1 thru 25	
3669	1 thru 25	
3670	1 thru 25	
3671	1 thru 25	
3672	1 thru 25	
3673	1 thru 25	
3671	1 thru 25	
3675	1 thru 25	
3676	1 thru 25	
3677	1 thru 24	
3678	10 thru 25	
3679	1 thru 25	
3680	1 thru 25	
3681	1 thru 25	
3682	1 thru 25	
3683	1 thru 25	
3684	1 thru 25	
3685	1 thru 12	

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NUMBER 5

PAGE NUMBER	PAGE NUMBER			
3688	1 thru 23			
3689	1 thru 24			
3690	1 thru 9			
3691	1 thru 7			
3693	7 thru 25			
3694	1 thru 25			
3695	1 thru 25			
3696	1 thru 25			
3697	1 thru 21			
3698	4 thru 20			
3699	3 thru 25			
3700	1 thru 9 and 20 thru 22			
3701	1, and 3 thru 25			
3702	1 thru 25			
3703	1 thru 25			
3704	1 thru 25			
3705	1 thru 25			
3706	1 thru 13			
3707	21 thru 24			
3708	11 thru 25			
3709	1 thru 25			
3710	1 thru 25			
3711	1 thru 25			
3712	1 thru 25			
3713	1 thru 25			
3714	1 thru 25			
3715	1 thru 18			
3716	7 thru 25			
3717	1 thru 18			
3718	9 thru 25			
3719	1 thru 25			
3720	1 thru 25			
3721	1 thru 25			
3722	1 thru 25			
3723	1 thru 25			
3724	1 thru 25			
3725	1 thru 5 and 8 thru 25			
3726	1 thru 25			

Balfour Beatty Construction, LLC v. Library Associates, LLC, et al

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NUMBER 5

3727	1 thru 19			
3729	10 thru 25			
3730	1 thru 25			
3731	1 thru 25			
3732	1 thru 25			
3733	1 thru 25			
3734	1 thru 25			
3735	1 thru 22			
3736	7 thru 25			
3737	1 thru 25			
3738	1 thru 21			
3739	8 thru 25			
3740	1 thru 25			
3741	1 thru 25			
3742	1 thru 25			
3743	1 thru 25			
3744	1 thru 25			
3745	1 thru 25			
3746	1 thru 25			
3747	1 thru 25			
3748	1 thru 25			
3749	1 thru 25			
3750	1 thru 25			
3751	1 thru 25			
3752	1 thru 25			
3753	1 thru 25			
3754	1 thru 25			
3755	1 thru 25			
3756	1 thru 25			
3757	1 thru 25			
3758	1 thru 25			
3759	1 thru 25			
3760	1 thru 25			
3761	1 thru 25			
3762	1 thru 25			
3763	1 thru 25			
3764	1 thru 25			
3765	1 thru 25			
3766	1 thru 25			

Balfour Beatty Construction, LLC v. Library Associates, LLC, et al

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TO BE INCLUDED IN TRANSCRIPT

NUMBER 5

3767	1 thru 25			
3768	1 thru 25			
3769	1 thur 25			
3770	1 thur 25			
3771	1 thru 25			
3772	1 thru 25			
3773	1 thur 25			
3774	1 thur 25			
3775	1 thru 25			
3776	1 thru 25			
3777	1 thru 25			
3778	1 thru 10 and 23 thru 25			
3779	1 thru 25			
3780	1 thru 25			
3781	1 thru 25			
3782	1 thur 25			
3783	1 thru 8 and 19 thur 25			
3784	1 thru 7			
3785	1 thru 10			
3819	1 thur 3 and 6 thru 25			
3820	1 thru 25			
3821	1 thru 25			
3822	1 thru 25			
3823	1 thur 25			
3824	1 thru 25			
3825	1 thru 25			
3826	1 thur 25			
3827	1 thru 15 and 18 thru 25			
3828	1 thru 10 and 19 thru 25			
3829	1 thru 11 and 14 thru 25			
3830	1 thru 25			
3831	1 thru 20			
3832	1 thru 25			
3833	1 thur 25			
3834	1 thur 10			
3835	1 thur 25			
3836	1 thur 25			
3837	1 thur 25			
3839	4 thur 12 and 24 thur 25			

**TO BE INCLUDED IN TRANSCRIPT
NUMBER 5**

[illegible]

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NUMBER 5

[illegible]

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NUMBER 6

PAGE NUMBER	PAGE NUMBER
3901	21 thru 25
3902	4 thru 5 and 13 thru 25
3903	1 thru 25
3904	1 thru 25
3905	1 thru 25
3906	1 thru 25
3907	1 thru 25
3908	1 thru 25
3909	1 thru 19 and 25
3910	1 thru 25
3911	1 thru 25
3912	1 thru 25
3913	1 thru 25
3914	1 thru 25
3915	1 thru 6 and 24 thru 25
3916	1 thru 25
3917	1 thru 25
3918	1 thru 25
3919	1 thru 25
3920	1 thru 21
3922	12 thru 25
3923	1 thru 25
3924	1 thru 25
3925	1 thru 14
3926	12 thru 25
3927	1 thru 25
3928	1 thru 25
3929	1 thru 25
3930	1 thru 25
3931	1 thru 25
3932	1 thru 3 and 5 thru 25
3933	1 thru 25
3934	1 thru 25
3935	1 thru 25
3936	1 thru 25
3937	1 thru 25
3938	1 thru 25
3939	1 thru 25

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NUMBER 6

3940	1 thru 25
3941	1 thru 25
3942	1 thru 25
3943	1 thru 25
3944	1 thru 25
3945	1 thru 18
3946	2 thru 25
3947	1 thru 25
3948	1 thru 25
3949	1 thru 25
3950	1 thru 25
3951	1 thru 25
3952	1 thru 25
3953	1 thru 22
3954	9 thru 25
3955	1 thru 25
3956	1 thru 25
3957	1 thru 19
3958	8 thru 25
3959	1 thru 25
3960	1 thru 25
3961	1 thru 20 and 25 thru 25
3962	1 thru 25
3963	1 thru 25
3964	1 thru 25
3965	1 thru 25
3966	1 thru 25
3967	1 thru 25
3968	1 thru 25
3969	1 thru 25
3970	1 thru 14
3971	11 thru 25
3972	1 thru 25
3973	1 thru 16 and 23 thru 25
3974	1 thru 25
3975	1 thru 5 and 19 thru 25
3976	3 thru 25
3977	10 thru 22
3978	12 thru 25

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NUMBER 6

3979	1 thru 25
3980	1 thru 5
3984	18 thru 25
3985	1 thru 25
3986	1 thru 25
3987	1 thru 9 and 17 thru 25
3988	1 thru 25
3989	1 thru 25
3990	1 thru 25
3991	1 thru 25
3992	1 thru 25
3993	1 thru 25
3994	1 thru 15
3996	8 thru 25
3997	1 thru 25
3998	1 thru 25
3999	1 thru 25
4000	1 thru 25
4001	1 thru 25
4002	1 thru 2
4006	2 thru 25
4007	1 thru 2
4008	3 thru 14 and 18 thru 25
4009	1 thru 25
4010	1 thru 25
4011	1 thru 25
4012	1 thru 12
4013	22 thru 25
4014	1 thru 17
4015	1 thru 25
4016	1 thru 25
4017	1 thru 25
4018	1 thru 25
4019	1 thru 25
4020	1 thru 25
4021	1 thru 25
4022	1 thru 25
4023	1 thru 25
4024	1 thru 25

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NUMBER 6

4025	1 thru 6 and 20 thru 25
4026	1 thru 25
4027	1 thru 25
4028	1 thru 25
4029	1 thru 25
4030	1 thru 25
4031	1 thru 25
4032	1 thru 18
4033	1 thru 6
4034	15 thru 25
4035	1 thru 25
4036	1 thru 25
4037	1 thru 25
4044	14 thru 25
4045	1 thru 25
4046	1 thru 17
4052	17 thru 25
4053	1 thru 21
4055	24 thru 25
4056	1 thru 6
4057	20 thru 25
4058	1 thru 25
4059	1 thru 5 and 14 thru 25
4060	1 thru 25
4061	1 thru 25
4062	1 thru 25
4063	1 thru 5
4065	15 thru 25
4066	1 thru 25
4067	1 thru 25
4068	1 thru 25
4069	1 thru 25
4070	1 thru 25
4071	1 thru 25
4072	1 thru 25
4073	1 thru 25
4074	1 thru 25
4075	14 thru 25
4076	1 thru 8

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4077	3 thru 25
4078	12 thru 25
4079	1 thru 25
4080	1 thru 25
4081	1 thru 25
4082	1 thru 25
4083	1 thru 25
4084	1 thru 25
4085	1 thru 23
4086	18 thru 25
4087	1 thru 4 and 7 thru 25
4088	1 thru 23
4089	20 thru 25
4090	1 thru 25
4091	1 thru 25
4092	1 thru 25
4093	1, and 22 thru 25
4094	1 thru 25
4095	1 thru 25
4096	1 thru 4 and 7 thru 25
4097	15 thru 25
4098	1 thru 25
4099	1 thru 20
4101	1 thru 25
4102	1 thru 25
4103	1 thru 4 and 24 thru 25
4101	1 thru 2 and 5 thru 18
4105	1 thru 25
4106	1 thru 25
4107	1 thru 25
4108	1 thru 22
4109	23 thru 25
4110	1 thru 25
4111	1 thru 25
4112	1 thru 25
4113	1 thru 19
4210	23 thru 25
4121	1 thru 20
4139	1 thru 25

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4140	1 thru 25
4141	1 thru 25
4142	1 thru 25
4143	1 thru 25
4144	1 thru 25
4145	1 thru 25
4146	1 thru 25
4147	1 thru 25
4148	1 thru 25
4149	1 thru 25
4150	1 thru 25
4151	1 thru 25
4152	1 thru 25
4153	1 thru 25
4154	1 thru 25
4155	1 thru 25
4156	1 thru 25
4157	1 thru 25
4158	1 thru 25
4159	1 thru 25
4160	1 thru 25
4161	1 thru 19
4162	1, and 3 thru 25
4163	1 thru 25
4164	1 thru 25
4165	1 thru 25
4166	1 thru 25
4167	1 thru 25
4168	1 thru 25
4169	1 thru 25
4170	1 thru 25
4171	1 thru 25
4172	1 thru 25
4173	1 thru 25
4174	1 thru 25
4175	1 thru 11
4176	14 thru 25
4177	1 thru 25
4178	1 thru 25

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NUMBER 6

4179	1 thru 25
4180	1 thru 16
4181	9 thru 25
4182	1 thru 25
4183	1 thru 16 and 20 thru 25
4184	1 thru 25
4185	1 thru 24
4186	3 thru 25
4187	1 thru 25
4188	1 thru 25
4189	1 thru 17 and 24 thru 25
4190	1 thru 25
4191	1 thru 4
4192	12 thru 25
4193	1 thru 2 and 7 thru 25
4194	1 thru 25
4195	1 thru 25
4196	1 thru 25
4197	1 thru 25
4198	1 thru 25
4199	1 thru 25
4200	1 thru 25
4201	1 thru 25
4202	1 thru 25
4203	1 thru 12
4237	1 thru 12
4250	1 thru 8
4251	1 thru 15
4252	1 thru 25
4253	1 thru 8
4255	11 thru 14
4257	4 thru 25
4258	1 thru 20
4262	1 thru 22

Exhibit B

Respondent's Filing Fee Receipts



The South Carolina Court of Appeals

Walter Henry Bundy, Jr.
1516 Old Trolley Rd
2Nd Floor
Summerville SC 29485

05/15/2026

RECEIPT #108160

Case No:	2024-000788
Case Short Title:	Balfour Beatty Construction, LLC v. Low Country Case & Millwork, Inc. (3)
Event:	Motion - Extension of Time (1st)
Fee Type:	Motion Fee Filed After 10-15-18
Amount:	\$50.00
Payment Type:	Check
Reference No:	2024
Check/Money Order Date:	05/15/2026
Comments:	



The South Carolina Court of Appeals

Walter Henry Bundy, Jr.
1516 Old Trolley Rd
2Nd Floor
Summerville SC 29485

05/15/2026

RECEIPT #108162

Case No:	2024-000788
Case Short Title:	Balfour Beatty Construction, LLC v. Low Country Case & Millwork, Inc. (3)
Event:	Motion - Extension of Time (3rd)
Fee Type:	Motion Fee Filed After 10-15-18
Amount:	\$50.00
Payment Type:	Check
Reference No:	2024
Check/Money Order Date:	05/15/2026
Comments:	



The South Carolina Court of Appeals

Walter Henry Bundy, Jr.
1516 Old Trolley Rd
2Nd Floor
Summerville SC 29485

05/15/2026

RECEIPT #108161

Case No:	2024-000788
Case Short Title:	Balfour Beatty Construction, LLC v. Low Country Case & Millwork, Inc. (3)
Event:	Motion - Extension of Time (2nd)
Fee Type:	Motion Fee Filed After 10-15-18
Amount:	\$50.00
Payment Type:	Check
Reference No:	2024
Check/Money Order Date:	05/15/2026
Comments:	

RECEIVED

Jun 15 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Mikell R. Scarborough, Master-In-Equity

Appellate Case No. 2024-000788
Case No.: 2019-CP-10-01108

Balfour Beatty Construction, LLC, Appellant,

v.

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

And

Library Associates, LLC, 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, 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, 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, Balfour Beatty Construction Group, Inc., Third-Party Defendants.

Of which Library Associates, LLC is the Respondent.

PROOF OF SERVICE

The undersigned hereby certifies that on June 15, 2026, copies of **Appellant's Return to Respondent's Motion to Amend Designation of Matter to be Included in the Record on Appeal** were served on all counsel of record via email containing the above referenced documents to counsels' individual AIS email addresses:

Walter H. Bundy, Jr., Esquire
M. Brent McDonald, Esquire
Bundy McDonald, LLC
1516 Old Trolley Rd 2nd Floor
Summerville, SC 29485-8209
walter@bundymcdonald.com
brent@bundymcdonald.com

Jessie Sanchez, Esquire
The Law Office of Jesse Sanchez, LLC
751 Johnnie Dodds Boulevard, Suite 200
Mount Pleasant, SC 29464
jesse@jessesanchezlaw.com

Attorneys for Library Associates, LLC

PARKER POE ADAMS & BERNSTEIN LLP

By: /s/James Lynn Werner
James Lynn Werner (SC Bar No. 6029)
Katon E. Dawson, Jr. (SC Bar No. 101167)
1221 Main Street, Suite 1100
Columbia, SC 29201
(803) 255-8000
jimwerner@parkerpoe.com
katondawson@parkerpoe.com

Thomas C. Hildebrand, Jr. (S.C. Bar No. 2501)
Robert C. Byrd (S.C. Bar No. 1069)
850 Morrison Drive, Suite 400
Charleston, SC 29403
(843) 727- 2650 (Office)
tomhildebrand@parkerpoe.com
bobbybyrd@parkerpoe.com

*Attorneys for Appellant Balfour Beatty Construction,
LLC*

June 15, 2026
Columbia, South Carolina