

The South Carolina Court of Appeals

Balfour Betty Construction, LLC, Appellant,

v.

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

And

Library Associates, LLC, Defendant/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; 1st Choice
Glass, Inc.; 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; Robert
Thomas Iron Design, 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; and Balfour Beatty
Construction Group, Inc.; Third-Party Defendants,

of which Library Associates, LLC is the Respondent.

Appellate Case No. 2024-000788

ORDER

This is the sixth in a series of orders the court has issued after the final briefs and record were filed in this case.

The first order was issued in March. It directed the parties to review the record and remove unnecessary material from it. At the parties' request, the deadlines this order established were extended by a second order.

Appellant filed an amended designation of matter proposing to reduce its designated material. The court did not receive any filing from Respondent.

The third order was issued in April. This was seven days after the extended deadline for the parties to respond to the court's original request. The third order directed Respondent to provide pinpoint citations for the instances where Respondent's final brief cited the first page of a document or exhibit so that Appellant could include the cited materials in the record.

The court granted Respondent two extensions of the deadlines the third order established. In May, after receiving a third extension request, we issued the fifth order. We granted the third extension but explained that no further extensions would be granted without a truly compelling explanation. This order established a deadline of June 4, 2026, for Respondent to supply Appellant with the pinpoint citations necessary for Appellant to prepare the amended record.

Respondent has now supplied the pinpoint citations but has also filed a request to amend its designation of matter. Respondent proposes removing a substantial amount of material from its original designation, adding additional material because the master cited the material in its order, and preparing a lengthier supplemental record with more materials that would only be filed electronically. Respondent has also offered to prepare, serve, and file the amended record. Appellant opposes this motion.

In light of the fact that counsel do not agree about how to proceed, the amended record filed with this court shall consist of the materials described in the court's April 29 order: the documents in Appellant's amended designation of matter and the materials cited in Respondent's final brief as delineated by the pinpoint citations Respondent has supplied as Exhibit A to its motion to amend its designation of matter. The deadline for Appellant to prepare the amended record on appeal and for the parties to file amended final briefs is outlined at the conclusion of this order.

We grant Respondent's request that it be allowed to file an electronic supplemental record containing any further materials from the proceedings below that it desires the court to have available when reviewing this case. Appellant should notify Respondent within 30 days of the date of this order about what additional materials, if any, it desires to include in this electronic submission, which should be labeled as a supplement to the record on appeal. The supplement should have a title page and index as described in Rule 210(d) & (e), SCACR.

We amend our previous scheduling order as follows:

- (1) The amended record on appeal shall be prepared and served on Respondent by July 23, 2026;
- (2) The amended record on appeal and final briefs shall be filed with this court by August 12, 2026. Parties are instructed to file electronic copies as well as one (1) bound copy as specified by Rule 267, SCACR;
- (3) Any supplemental electronic record prepared by Respondent shall be served on Appellant and filed with this court by August 12, 2026.

Although asking the parties to revise a record in this way is not unprecedented, this sort of request is unusual. The issuing judge believed then, and still believes, the request was necessary given the massive amount of material included in the original record and wishes to express gratitude to all counsel for their work.



FOR THE COURT

Columbia, South Carolina

cc:

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FILED
Jun 23 2026
