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October 19, 2026

RECEIVED
Oct 19 2026
SC Court of Appeals

VIA E-MAIL:

The Honorable Jenny Abbott 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.: 2024-000753

Dear Mrs. Kitchings:

In response to the Court's letter dated October 5, 2026, regarding potential dates for oral argument in the above-referenced matter, please be advised that counsel for Appellant Balfour Beatty Construction, LLC do not have any known conflicts on the February 1, 2, 3, or 4 dates referenced in the Court's letter and, if selected, could appear before the Court for oral argument on any of those dates. While Appellant Balfour does not yet have certainty as to the attorney who will be arguing for it, attorney Thomas Hildebrand—who is one of the Counsel of Record in the appeal and who was the principal trial attorney for Appellant Balfour in the case below—currently has an Order of Protection and is unavailable on the dates of February 9, 10 and 11, 2027.

Additionally, Balfour is represented by the same counsel in two pending appeals, and the Court has requested Balfour's counsel's availability for oral argument for the same dates in both appeals. The other appeal (Appellate Case No. 2024-000788) arises from the same underlying case, but the issues raised in the appeals differ substantially. For example, the above-referenced appeal arises from the Master-in-Equity's pre-trial grant of summary judgment in favor of Respondents Strong Tower Construction, LLC and Watson Electrical Construction Co., LLC while the issues raised in other appeal arise from the Master's trial and post-trial orders in favor of Respondent Library Associates, LLC. The three Respondents are each represented by different counsel, while Appellant Balfour is represented in both appeals by the same counsel. In the other appeal Balfour filed a 73-page brief raising six (6) issues (comprised of fifteen (15) sub-issues). Each issue and sub-issue require a separate and distinct analysis from the issues raised in the above-referenced appeal. Therefore, Balfour would be materially disadvantaged by

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having to prepare for separate and distinct oral arguments in the same week while the Respondents are each able to prepare for a single oral argument.

Due to the potential prejudice to Balfour if the oral arguments are scheduled during the same week, Balfour respectfully requests the Court schedule oral argument in the two related appeals on different weeks.

Should you have any questions or need anything further, please do not hesitate to contact me.

Sincerely,

s/Katon E. Dawson, Jr.

Katon E. Dawson, Jr.

cc: Respondent Strong Tower's Attorneys of Record (via email):
Samuel M. Wheeler, Esq. (sam@whitfieldcargilelaw.com)
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Respondent Watson's Attorneys of Record (via email):
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