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June 21, 2022

**VIA EMAIL AND U.S. MAIL**

Patricia A. Howard, Chief Deputy Clerk  
The Supreme Court of South Carolina  
P.O. Box 11330  
Columbia, SC 29211

**RECEIVED**

**Jun 21 2022**

**S.C. SUPREME COURT**

**Re: *Sullivan Management LLC, v. Fireman's Fund Insurance Company, et al.***  
Appellate Case No. 2021-001209

Dear Ms. Howard:

Plaintiff objects to the Defendant's attempt to file or argue a sur-rebuttal position in Defense counsel's letter of June 17<sup>th</sup>, as completely improper. Plaintiff believes the entire communication should be disregarded.

Additionally, Defendant's most recent supplemental filing misstates and misinterprets Plaintiff's stated position on rebuttal in front of the Court on June 8th. Defendant misquoted Plaintiff's counsel as saying he was "unaware of any opinions addressing a communicable disease provision." However, Plaintiff's counsel actually stated the following:

I can tell the court that there is not a reported decision, appellate, trial court, or otherwise, we believe, that has our *Communicable Disease* coverage **and** what they're trying to claim is a virus exclusion, in this case, their *Mortality and Disease* exclusion. There is not a discussion of the Mortality and Disease exclusion, as far as we know, in any of these reported decisions, and none of them have it in the same policy with our Communicable Disease Extension.

(Hearing Video at 47:27-53) (emphasis added). This remains true, and none of the cases listed in Defendant's most recent supplemental filing change this. None of the cases listed by Defendants discuss the provisions of a "Communicable Diseases Extension" such as that found in Sullivan's policy in conjunction with the "Mortality and Disease" exclusion such as that found in Sullivan's policy.

Respectfully submitted,

/s/ Justin Lucey  
Justin Lucey, Esq