

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA,

Plaintiff,

v.

BARBARA HAWTHORNE, as Personal
Representative of the Estate of
Nathaniel Hawthorne, Jr.,

Defendant.

Case No. 6:21-cv-02648-DCC

RECEIVED

AUG 15 2022

S.C. SUPREME COURT

**NOTIFICATION OF REQUEST TO SUBMIT ADDITIONAL MATERIALS
TO THE SOUTH CAROLINA SUPREME COURT**

NOW COMES Plaintiff Travelers Property Casualty Company of America (“Travelers”), by its counsel, and pursuant to Rule 244(b), SCACR, notifies the Court of Travelers’ request that this Court submit additional materials to the South Carolina Supreme Court to aid that Court in answering the certified question.

On June 13, 2022, this Court entered an Order certifying a question to the South Carolina Supreme Court. (ECF 41 (“Certification Order”)). The South Carolina Supreme Court received the Certification Order on June 29, 2022. On August 2, 2022, the South Carolina Supreme Court entered its Order accepting and agreeing to answer the certified question. Pursuant to Rule 244(b), SCACR, the Supreme Court will review only the certification order and “will not consider any

documents or other evidentiary materials unless the certifying court has submitted those materials.” *Id.*

Travelers contends that additional materials in the record from this Court will enable the South Carolina Supreme Court to more fully analyze and answer the certified question. Accordingly, pursuant to Rule 244(b), SCACR (last sentence), Travelers requests this Court submit the following materials to the South Carolina Supreme Court:

- (1) Plaintiff's Complaint (ECF 1) and exhibit (ECF 1-1);
- (2) Defendant's Answer and Counterclaim (ECF 11);
- (3) Plaintiff's Answer to Defendant's Counterclaim (ECF 17);
- (4) Defendant's Motion for Judgment on the Pleadings (ECF 20) and exhibits (ECF 20-1, 20-2, 20-3);
- (5) Plaintiff's Motion for Judgment on the Pleadings, or in the Alternative, Motion for Summary Judgment (ECF 28) and exhibits (ECF 28-1, 28-2);
- (6) Defendant's Reply (ECF 31);
- (7) Plaintiff's Reply (ECF 33);
- (8) Defendant's Motion to Certify Question (ECF 35);
- (9) Plaintiff's Response in Opposition (ECF 36);
- (10) Defendant's Reply to Plaintiff's Response (ECF 37).

The document found at ECF 1-1 is especially important because it contains the applicable portion of the Travelers policy at issue. Travelers has argued throughout this litigation that the policy language is controlling. Additionally, the material located at ECF 20-3 is important because it is the dashcam video from the officer's vehicle and it documents the sequence of events at issue.

Wherefore, Travelers respectfully requests that this Court submit the aforementioned materials to the South Carolina Supreme Court.

Respectfully submitted this the 4th day of August, 2022.

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/s/ Lee M. Thomas

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing, ***NOTIFICATION OF REQUEST TO SUBMIT ADDITIONAL MATERIALS TO THE SOUTH CAROLINA SUPREME COURT***, was served upon all parties to this action on the date written below via the Court's ECF portal, and to the Clerk of the South Carolina Supreme Court via e-mail as follows:

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Clerk, South Carolina Supreme Court

This the 4th day of August, 2022.

/s/ Lee M. Thomas
Lee M. Thomas

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