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**AUG 15 2022**

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

**S.C. SUPREME COURT**

Travelers Property Casualty )  
Company of America, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
Barbara Hawthorne, as Personal )  
Representative of the Estate of )  
Nathaniel Hawthorne, Jr., )  
 )  
Defendant. )  
\_\_\_\_\_ )

Civil Action No. 6:21-cv-2648-DCC

**RESPONSE TO MOTION TO  
SUBMIT ADDITIONAL  
MATERIALS TO THE SOUTH  
CAROLINA SUPREME COURT**

Defendant Barbara Hawthorne, as Personal Representative of the Estate of Nathaniel Hawthorne, Jr., hereby responds to Plaintiff Travelers Property Casualty Company of America's (Travelers) motion to submit additional materials to the South Carolina Supreme Court (ECF No. 45).

On June 13, 2022, the Court certified a question to the South Carolina Supreme Court. (ECF No. 41). The South Carolina Supreme Court agreed to answer the certified question on August 2, 2022. Pursuant to Rule 244(b), SCACR, the South Carolina 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." Travelers has moved for the pleadings with exhibits (ECF Nos. 1, 1-1, 11, & 17), Ms. Hawthorne's motion for judgment on the pleadings and exhibits (ECF Nos. 20, 20-1, 20-2, & 20-3), Travelers' motion for judgment on the pleadings and exhibits (ECF No. 28, 28-1, & 28-2), Ms. Hawthorne's response to Travelers' motion for judgment on the pleadings (incorrectly described as "Defendant's Reply" (ECF No. 31), Travelers' reply to that response (ECF No. 33), Ms. Hawthorne's motion to certify question (ECF No. 35), Travelers' response to that motion (ECF No. 36), and Ms. Hawthorne's reply to Traveler's

response (ECF No. 37) to be transmitted to the South Carolina Supreme Court for consideration when answering the question certified to it.

A joint motion would have been the most efficient way to identify the record to be submitted to the South Carolina Supreme Court, but Traveler's counsel did not consult with Ms. Hawthorne's counsel before filing its motion. Ms. Hawthorne does not object to transmission of the documents identified by Travelers, but Travelers' list of documents is incomplete. Travelers omits their response to Ms. Hawthorne's motion for judgment on the pleadings (ECF No. 29), Ms. Hawthorne's reply to that response (ECF No. 30), and the exhibits to Ms. Hawthorne's motion to certify question (ECF Nos. 35-1, 35-2, & 35-3). Ms. Hawthorne requests these documents also be transmitted to the South Carolina Supreme Court.

Respectfully submitted,

s/Phillip D. Barber

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BARBARA HAWTHORNE AS PERSONAL  
REPRESENTATIVE OF THE ESTATE OF  
NATHANIEL HAWTHORNE, JR.

August 8, 2022  
Columbia, South Carolina.