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Aug 16 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Bentley D. Price, Circuit Court Judge

Civil Action No. 2017-CP-07-02310

Privilege Underwriters Reciprocal Exchange,.....

Plaintiff-
Appellant

v.

Calvin C. "Skip" Hoagland and Lisa Sulka,

Defendants-
Respondents.

NOTICE OF APPEAL

Privilege Underwriters Reciprocal Exchange ("PURE") timely appeals the lower court's Orders attached as Exhibit A, being (1) "Order" dated June 7, 2022 by the Honorable Bentley Price; and (2) "Order" (which denied PURE's motion to reconsider) dated August 4, 2022 by the Honorable Bentley Price. Appellants received written notice of the entry of the Order denying the Motion to Reconsider on August 4, 2022.

Appellant notes that attached as Exhibit B is an Order in which the trial court originally granted partial summary judgment to Privilege Underwriters Reciprocal Exchange ("PURE"). This Order was adverse to Defendant Calvin Hoagland, as well as to Mrs. Lisa Sulka, the Respondent, who was at the time of issuance of that Order, a third party claimant. Mr. Hoagland never contested the Order attached as exhibit B, nor did he file any motion to reconsider or appeal as to the Order attached as Exhibit B. Mrs. Sulka moved to reconsider the Order attached as Exhibit B. Appellant's position is that the Sulka motion to reconsider was/is procedurally defective and is a nullity. Further, the Orders appealed by this notice at Exhibit A were expressly

not based on any argument made in the motion to reconsider by Mrs. Sulka. Instead, they were based on the purported Rule 60(a) *sua sponte* power of the Court to change a “mistake.” Appellant’s position is that the Court is not empowered to change the scope of judgment via this Rule. Finally, the June 7 Order appealed contains the language “It was and remains my intent that the Plaintiff, Privilege Underwriters Reciprocal Exchange was obligated to provide coverage to Mr. Hoagland in the underling case of Lisa Sulka v. Skip Hoagland, Civil Action #2017-CP-07-1547.” Ms. Sulka made no motion for judgment as to coverage, nor did Mr. Hoagland and, as stated, Mr. Hoagland never contested and never appealed the partial summary judgment grant order attached as Exhibit B. Thus, this statement by the trial court has no legal foundation and must be vacated. As a result, and in the end, the purpose of this appeal is for the Order at Exhibit B, granting PURE partial summary judgment, to be reinstated, and for the Orders appealed at Exhibit A be reversed and vacated.

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PROOF OF SERVICE

I, the undersigned Administrative Assistant, of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Privilege Underwriters Reciprocal Exchange, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified, pursuant to the Supreme Court Order 2022-05-06-04, and a copy of that electronic mail is attached to this certificate.

Pleading(s): **Notice of Appeal**

Served: **Via E-Mail**

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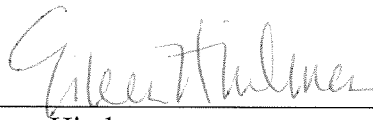
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August 16, 2022

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From: Eileen Hindman
Sent: Tuesday, August 16, 2022 3:03 PM
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Subject: PURE v. Hoagland and Sulka - Civil Action No. 2017-CP-07-02310
Attachments: 2022.08.16 Notice of Appeal with exhibits (PURE 2017) - 4857-2587-8062 1.pdf; 2022.08.16 Proof of Service (PURE 2017) - 4869-8115-4606 1.pdf

Good afternoon,

Attached please find a Notice of Appeal in the above matter. Service is made via email pursuant to the Supreme Court Order 2022-05-06-04.

Thank you.



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