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June 6, 2013

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JUN 06 2013

S.C. SUPREME COURT

VIA HAND DELIVERY

Honorable Daniel E. Shearouse
Clerk of Court, South Carolina
Supreme Court
Supreme Court Building
1231 Gervais Street
Columbia, SC 29201

Re: *Diane Kirven, on behalf of herself and all others similarly situated, v. Central States Health & Life Company of Omaha, et al.*
Appellate Case No.: 2013-000273
GWB No.: 7009-1

Dear Mr. Shearouse:

Please find enclosed the original and ten (10) copies of Defendants' Motion to Admit Appendix of Exhibits as Part of the Record with the Appendix of Exhibits in the above-referenced case. I am also enclosing the \$25.00 fee for filing this Motion. Please file these documents and return clocked copies to this office via our courier.

By copy of this letter, and as evidenced on the attached Proof of Service, I am serving counsel of record with the same.

With kind regards, I am

Very truly yours,

Laura W. Jordan
Direct Dial: 803-724-1710
E-Mail: ljordan@gwblawfirm.com

LWJ/sm

Enclosures

cc: Richard A. Harpootlian
Graham L. Newman
Tobias G. Ward, Jr.

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THE STATE OF SOUTH CAROLINA
In the Supreme Court

S.C. SUPREME

QUESTIONS OF LAW CERTIFIED FROM
DISTRICT OF SOUTH CAROLINA

By Order of The Honorable Margaret B. Seymour,
District Court Judge for the District of South Carolina

Appellate Case No: 2013-000273

Diane Kirven, on behalf of herself and all others similarly situated, Plaintiff,

v.

Central States Health & Life Company of Omaha and Philadelphia
American Life Insurance Company Defendants.

**CONSENT MOTION TO ADMIT
APPENDIX OF EXHIBITS
AS PART OF THE RECORD**

Defendants Central States Health & Life Company of Omaha and Philadelphia American Life Insurance Company (“Defendants”), with the consent of Plaintiff Diane Kirven (“Plaintiff”), respectfully request that the Court admit the attached Appendix of Exhibits as part of the Record in this matter. The Appendix contains the following Exhibits, which are cited in Defendants’ Final Brief:

- Exhibit 1: Complaint, filed August 15, 2011
- Exhibit 2: Cancer and Specified Disease Policy (DEF 0001 - DEF 0042)
- Exhibit 3: Susen Bookwalter Depo. p. 17; Depo. Ex. 2 (DEF 0547); Depo. Ex. 3 (DEF 0743)


- Exhibit 4: South Carolina Department of Insurance Bulletin Number 2008-15, dated August 28, 2008 (DEF 0473-0475)
- Exhibit 5: Notice From Philadelphia American Life Insurance Company to Diane Kirven, dated August 21, 2008 (DEF 0245-0246)
- Exhibit 6: Correspondence From Philadelphia American Life Insurance Company to Diane Kirven Requesting Explanation of Benefits Statements, Dated March 24, 2010, April 23, 2010, June 28, 2010, July 15, 2010, August 16, 2010 (DEF 0052-0056)

The undersigned counsel hereby certifies that the matters contained in the Appendix of Exhibits comply with the August 13, 2007 Order of the South Carolina Supreme Court. Accordingly, with Plaintiff's consent, Defendants respectfully request that the attached Appendix of Exhibits be admitted as part of the Record in this matter.

Respectfully submitted,

June 12, 2013

By: _____


John T. Lay
Laura W. Jordan
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ATTORNEYS FOR DEFENDANTS

THE STATE OF SOUTH CAROLINA
In the Supreme Court

QUESTIONS OF LAW CERTIFIED FROM
DISTRICT OF SOUTH CAROLINA

By Order of The Honorable Margaret B. Seymour,
District Court Judge for the District of South Carolina

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Diane Kirven, on behalf of herself and all others similarly situated, Plaintiff,

v.

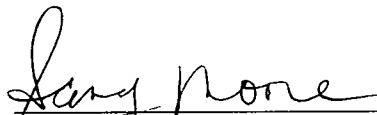
Central States Health & Life Company of Omaha and Philadelphia
American Life Insurance Company Defendants.

PROOF OF SERVICE

I, Sandy Moore, the undersigned employee of Gallivan, White & Boyd, P.A.,
attorneys for the Defendants, do hereby certify that I have served a copy of the foregoing
Consent Motion To Admit Appendix of Exhibits As Part Of The Record, in
connection with the above-referenced case by hand-delivering a copy of same on June 6,
2013 to the following addresses:

Richard A. Harpootlian
Graham L. Newman
M. David Scott
Richard A. Harpootlian, P.A.
1410 Laurel Street
Columbia, SC 29201

Tobias G. Ward, Jr.
Tobias G. Ward, Jr., P.A.
6 Calendar Court, Suite 3
Columbia, South Carolina 29206



Sandy Moore

Columbia, South Carolina

Richard A. Harpootian, P.A.

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June 6, 2013

VIA ELECTRONIC MAIL ONLY

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JUN 06 2013

S.C. SUPREME COURT

Brenda Shealy
bshealy@sccourts.org
South Carolina Supreme Court
1015 Sumter Street, Suite 200
Columbia, South Carolina 29201

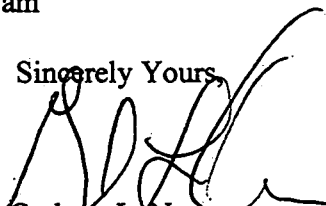
In Re: Kirven v. Central States Health & Life Co., et al.
Case No. 2013-000273

Dear Mrs. Shealy:

Please accept this letter as notification of Plaintiff's consent to Defendant's Motion to Admit Appendix of Exhibits. Should you have questions or concerns, please do not hesitate to contact me.

With warm regards, I am

Sincerely Yours,



Graham L. Newman

GLN:hmh

cc: Tobias G. Ward, Esquire
John T. Lay, Esquire
Laura Jordon, Esquire
Robert L. Harris, Esquire