

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF RICHLAND )  
 )  
 Covil Corporation, by and through its duly )  
 appointed Receiver Peter D. Protopapas )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 Pennsylvania National Mutual Casualty Insurance )  
 Co.; Sam J. Crain & Co., Inc.; and South Carolina )  
 Property and Casualty Insurance Guaranty )  
 Association, )  
 )  
 \_\_\_\_\_  
 Defendants.

IN THE COURT OF COMMON PLEAS  
FOR THE FIFTH JUDICIAL CIRCUIT

CASE NO.: 2020-CP-40-02098

ORDER



This matter comes before me upon Defendant Penn National’s Motion to Confirm Jury Trial Demand, filed December 2, 2022 at 4:42 pm. This matter is scheduled for a nonjury trial in the Richland County Judicial Center at 9:30 am on December 12, 2022.

On April 27, 2020, Covil Corporation, through its Receiver Peter D. Protopapas, filed its Complaint against Pennsylvania National Mutual Casualty Insurance Co.; Sam J. Crain & Co., Inc.; and South Carolina Property and Casualty Insurance Guaranty Association. The Complaint recites the following causes of action:

First, Second, and Third Causes of Action are for Declaratory Judgments against Penn National, regarding the coverage and meaning of its policies of insurance for Covil. None of these matters are triable to a jury. The Fourth Cause of Action is for negligence for failure to procure insurance against the Crain Agency, Covil’s insurance broker. Crain has never appeared or answered. The Fifth Cause of Action is for breach of contract against Crain. It has not answered or appeared. The Sixth Cause of Action is for a declaratory judgment against the

Guaranty Association for any amounts due Covil from Mission, a liquidated insurer which had excess coverage for Penn National.

The Prayers for Relief against Penn National ask the Court to declare the meaning of its insurance policies insuring Covil. None of the Causes of Action or Prayers for Relief as to Penn National raise issues which entitle Penn National to a jury trial. Plaintiff Covil has today filed a Notice that it seeks only declarations concerning its policies with Penn National. It has further dismissed Defendant Crain without prejudice. Crain was the only defendant against whom the at law causes of action for negligence and for breach of contract were brought.

Therefore, as previously scheduled, this nonjury matter will proceed to trial as to Penn National on Monday, December 12, 2022 at 9:30 am.

**AND IT IS SO ORDERED.**

[JUDGE'S E-SIGNATURE TO FOLLOW]



Richland Common Pleas

**Case Caption:** Covil Corporation By And Through Its Receiver , plaintiff, et al vs  
Pennsylvania National Mutual Casualty Insurance Co , defendant, et al  
**Case Number:** 2020CP4002098  
**Type:** Order/Other

So Ordered

Jean H. Toal