

IN THE STATE OF SOUTH CAROLINA

In the Supreme Court

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Roger M. Young, Sr., Circuit Court Judge

Case No. 2010-CP-10-7647

RECEIVED

JUN 13 2013

S.C. Supreme Court

Victoria Fire & Casualty Insurance Company,..... Respondents,

v.

Charles P. Singleton and Delissa Singleton,..... Appellants.

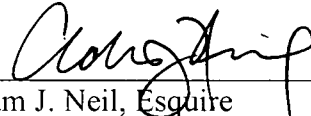
MOTION TO DISMISS

Respondent Victoria Fire & Casualty Insurance Company hereby moves to dismiss the above-captioned appeal as moot. This matter is pending before the South Carolina Supreme Court as a result of an appeal taken from the Order of The Honorable Roger M. Young dated August 11, 2011. This case involves whether Appellant Delissa Singleton is entitled to underinsured motorist coverage on account of injuries sustained in two (2) automobile accidents that occurred in June 2009 and January 2010, respectively. As is apparent, both accidents occurred more than three (3) years ago. However, to date Singleton has not filed a lawsuit against the allegedly at-fault driver in either accident. Because the statute of limitations has passed, Singleton could not assert a claim against any at-fault driver. Thus, she can never legally establish a claim to underinsured motorist benefits.

Accordingly, the issue of whether the exclusion in the Victoria UIM policy is applicable to Singleton's claims is moot because she could never collect any underinsured motorist coverage having failed to timely assert a claim against the at-fault driver. When there is no justifiable case or controversy, an appellate court should not consider the issue. At this stage, the issues before the court are merely academic and, therefore, this appeal should be dismissed. Sloan v. Friends of Hunley, Inc., 369 S.C. 20, 25-26, 630 S.E. 2d 474, 477 (2006).

Therefore, Respondent hereby moves for an Order dismissing this appeal as moot.

Respectively submitted,



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June 13, 2013

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CERTIFICATE

I, Adam J. Neil, attorney for Respondents, certify that the Motion to Dismiss complies with the South Carolina Supreme Court Order of August 13, 2007 and Rule 211(b) of the South Carolina Court Rules.

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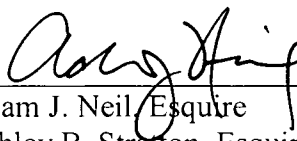
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PROOF OF SERVICE

I certify that I have served the Motion to Dismiss, on Charles P. Singleton and Delissa Singleton, by depositing a copy of it in the United States Mail, postage prepaid, on June 13, 2013, addressed to their attorney of record, Jonathan Altman, Esquire, Derfner Altman & Wilborn, LLC, P.O. Box 600, Charleston SC 29402.



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