

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT)	CASE NO.: 2017-CP-07-02310
)	
Privilege Underwriters Reciprocal Exchange,)	
)	
Plaintiff,)	<u>MOTION FOR ENTRY OF DEFAULT AS TO</u>
)	<u>DEFENDANT CALVIN C. "SKIP"</u>
vs.)	<u>HOAGLAND</u>
)	
Calvin C. "Skip" Hoagland and Lisa Sulka,)	
)	
Defendants.)	
_____)	

Pursuant to Rules 55(a) of the South Carolina Rules of Civil Procedure, Plaintiff Privilege Underwriters Reciprocal Exchange ("PURE") hereby moves for entry of default against Defendant Calvin C. "Skip" Hoagland ("Hoagland") for his failure to answer, plead, or otherwise respond to PURE's Second Amended Complaint. PURE submits this motion upon the following grounds:

1. PURE filed this declaratory judgment action against Defendants Calvin C. "Skip" Hoagland and Lisa Sulka on October 31, 2017. PURE amended its complaint on November 2, 2017, and again on March 19, 2018.
2. Hoagland, through counsel, answered the complaint on April 20, 2018.
3. On August 31, 2020, PURE moved for leave to amend its complaint to request two additional declarations. The first new proposed declaration requested that the Court declare that coverage is not afforded to Hoagland due to the Directors and Omissions Exclusion contained within the PURE policies. The second new proposed declaration requested that the Court declare that coverage is not afforded to Hoagland due to his material and repeated violations of the cooperation clauses in his PURE policies.

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4. On January 14, 2021, the Court entered a Form 4 Order granting PURE's motion for leave to amend its complaint.

5. PURE filed its Second Amended Complaint for Declaratory Judgment on February 23, 2021. Hoagland was served with the Second Amended Complaint by electronic service on his counsel through the Court's e-filing system.

6. Pursuant to Rule 12(a) of the South Carolina Rules of Civil Procedure, Hoagland's deadline to respond to PURE's Second Amended Complaint was March 10, 2021.

7. PURE has not received any correspondence from Hoagland, or any attorney acting on his behalf, requesting an extension of time to respond to PURE's Second Amended Complaint.

8. As of the date of this Motion, Hoagland has failed to respond to PURE's Second Amended Complaint.

9. An affidavit of default is being filed contemporaneously herewith as **Exhibit A**.

10. Upon information and belief, there is no good cause, excuse, or justification for Hoagland's failure to respond to PURE's Complaint. For these reasons, PURE seeks an entry of default against Hoagland in accordance with Rule 55(a), SCRPC based on his failure to answer, plead, or otherwise defend in a timely manner.

11. Furthermore, by virtue of Hoagland's failure to plead, move, or otherwise respond to PURE's Second Amended Complaint, Hoagland has admitted the allegations set forth in the Second Amended Complaint. Rule 8(d), SCRPC.

12. A Proposed Order Granting PURE's Motion for Entry of Default is attached hereto as **Exhibit B**.

WHEREFORE, PURE respectfully requests that this Clerk enter default against Defendant Calvin C. "Skip" Hoagland.

This 22nd day of August, 2022.

Respectfully submitted,

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