

99455

RECEIVED

JUL 28 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SUMTER COUNTY
Court of Common Pleas
R. Kirk Griffin, Circuit Court Judge

Appellate Case No. 2023-000074

Ex Parte: Liberty Mutual Insurance Company and Horace Mann Property and
Casualty Insurance Company, Respondents,

In Re:

Howell D. Thompson and Tara L. Thompson,
Appellants,

v.

Carlos D. Toney,
Defendant.

**RESPONDENT HORACE MANN PROPERTY AND CASUALTY INSURANCE
COMPANY'S MOTION FOR PERMISSION TO LATE FILE DESIGNATION OF
MATTER**

Respondent Horace Mann Property and Casualty Insurance Company (“Respondent”) respectfully requests leave of this Court to file its Designation of Matter late, pursuant to Rule 240 of the *South Carolina Appellate Court Rules*. The Respondent’s Initial Brief was filed June 19, 2023. Respondent requests this leave from the Court due to a filing error, where the absence of the Respondent’s Designation of Matter from filing with the Respondent’s Initial Brief was not

brought to the Respondent's attention until July 12, 2023. At such time, Respondent promptly attempted to file Respondent's Designation of Matter prior to the filing of the last party's Initial Brief. This is Respondent's first request for leave to late file with this Court. Furthermore, the thirty (30) day extension will not prejudice the Appellants or affect their legal rights. Respondent has made a Rule 11 Request to all attorneys of record requesting consent; however, Respondent has not received responses from all respective parties. Due to the sensitivity of the motion, Respondent proceeded with filing.

Respectfully submitted,

BROWN & BREHMER

By: s/ Karl S. Brehmer
Karl S. Brehmer
Andrew C. Brehmer
1720 Main Street, Suite 201
Post Office Box 7966
Columbia, South Carolina 29202
(803) 771-6600
**ATTORNEYS FOR RESPONDENT
HORACE MANN PROPERTY AND
CASUALTY INSURANCE COMPANY**

Columbia, South Carolina
July 28, 2023

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

JUL 28 2023

SC Court of Appeals

APPEAL FROM SUMTER COUNTY
Court of Common Pleas
R. Kirk Griffin, Circuit Court Judge

Appellate Case No. 2023-000074

Ex Parte: Liberty Mutual Insurance Company and Horace Mann Property and
Casualty Insurance Company, Respondents,

In Re:

Howell D. Thompson and Tara L. Thompson,
Appellants,

v.

Carlos D. Toney,
Defendant.

PROOF OF SERVICE

I certify that a true copy of the Motion for Permission to Late File Designation of Matter in this case has been served on the following, this 28th day of July 2023, by emailing a copy to each attorney listed below using their primary email address listed in the Attorney Information System pursuant to Rule 262 of the South Carolina Appellate Court Rules and the May 6, 2022, Order of the South Carolina Supreme Court (Appellate Case No. 2020-000447):

Served email addresses to appear on following page.

G. Murrell Smith, Jr., Esq., counsel for Appellants, at murrell@smithrobinsonlaw.com
Jonathan M. Robinson, Esq., counsel for Appellants, at jon@smithrobinson.com
Shanon N. Peake, Esq. counsel for Appellants, at shanonp@smithrobinson.com
John D. Kassel, Esq., counsel for Appellants, at jkassel@kassellaw.com
Theile B. McVey, Esq., counsel for Appellants, at tmcvey@kassellaw.com
Jamie R. Rutkoski, Esq. counsel for Appellants, at jrutkoski@kassellaw.com
Andrew N. Safran, Esq., counsel for Appellants, at msa6631@aol.com
Aaron J. Hayes, Esq., counsel for Respondent Liberty Mutual, at AJH@swblaw.com