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Aug 28 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
Jean Hofer Toal, Chief Justice (Ret.)

Case No. 2019-CP-40-02285

Appellate Case No. 2020-001437

Peter D. Protopapas, as Receiver for Covil Corporation, Respondent,

v.

Wall, Templeton & Haldrup, P.A.; Sentry Casualty Company; United States Fidelity and
Guaranty Company; Zurich American Insurance Company, Defendants,

of which

United States Fidelity and Guaranty Company is the Appellant.

**MOTION FOR LEAVE TO FILE
RESPONSE TO USF&G'S SURREPLY ON
RECEIVER'S MOTION TO DISMISS**

The Court issued an Order denying Respondent's Motion to Dismiss after Appellant filed a Surreply to the Court's Order requesting Appellant address certain questions relating to Respondent's Motion to Dismiss. Before Respondent had the opportunity to seek leave to file a Response to Surreply, the Court issued an order denying Respondent's Motion to Dismiss. For the purpose of protecting the record and for the Court's consideration, Respondent is submitting its Motion for Leave to file Response to Surreply.

Respectfully submitted,

SMITH ROBINSON, LLC

s/Jonathan M. Robinson

G. Murrell Smith, Jr. (S.C. Bar # 66263)

Jonathan M. Robinson (S.C. Bar # 68285)

Shanon N. Peake (S.C. Bar #102723)

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ATTORNEYS FOR RESPONDENT

August 28, 2023.

SMITH ROBINSON

Forward thinking. Results driven.

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August 28, 2023

Via Email Only – ctappfilings@sccourts.org
The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
PO Box 11629
Columbia, South Carolina 29211

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SC Court of Appeals

RE: United States Fidelity and Guaranty Company v. Covil Corporation
Appellate Case No. 2020-001437
Our File No. 19-075

Dear Ms. Kitchings:

Appellant filed a Surreply on June 23, 2023 to the Court's Order requesting it address certain questions relating to Respondent's Motion to Dismiss. Before Respondent had the opportunity to seek leave to file a Response to Surreply, the Court issued an order denying Respondent's Motion to Dismiss. For the purpose of protecting the record and for the Court's consideration, we are submitting a Motion for Leave to file a Response to Surreply.

Sincerely,



G. Murrell Smith, Jr.

GMS/dlf

cc: Matthew Todd Carroll, *via email only*
Mary Elizabeth O'Neil, *via email only*
Andrew T. Frankel, *via email only*