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October 27, 2023

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Oct 27 2023

S.C. SUPREME COURT

The Honorable Chief Justice Donald W. Beatty
South Carolina Supreme Court
1231 Gervais Street
Columbia, SC 29201

Re: *Covil Corporation, by and through its duly appointed Receiver Peter D. Protopapas v. Pennsylvania National Mutual Casualty Co., et al.*
Case No. 2020-CP-40-02098
Appellate Case No. 2023-001079

Dear Chief Justice Beatty:

We write at the direction of The Honorable Jean Hofer Toal, CJ Ret. regarding the above-referenced matter. This case was originally scheduled for trial on December 12, 2022, but the matter was continued after Pennsylvania National Mutual Insurance Company (“Penn National”) filed its notice of appeal in the Court of Appeals. The Court of Appeals granted the Receiver’s motion to dismiss the appeal on February 9, 2023, and Penn National filed its Petition for Writ of Certiorari on July 6, 2023. The Receiver filed a Motion to Expedite consideration of the Petition for Writ of Certiorari on July 26, 2023, and the Petition for Certiorari and the motion are currently under consideration by the Court.

The trial of this case was initially rescheduled for September 11, 2023; however, due to the pendency of the appeal, the trial was continued to November 13, 2023. At a pretrial conference Judge Toal convened on October 25, 2023, she asked that we jointly write Your Honor and inquire if the Court had any guidance as to the status of the appeal so we may proceed accordingly in light of the potential upcoming trial.

Sincerely,

s/G. Murrell Smith, Jr.

G. Murrell Smith, Jr.
Smith Robinson LLC
Counsel for the Receiver for Covil
Corporation

s/Kirby D. Shealy III

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- All counsel of record