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December 20, 2023

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S.C. SUPREME COURT

**Via Email Only – supctfilings@sccourts.org**

The Honorable Patricia A. Howard  
Clerk of Court  
South Carolina Supreme Court  
1231 Gervais Street  
Columbia, South Carolina 29201

RE: Covil Corporation, by and through its duly appointed Receiver, Peter D. Protopapas v. Pennsylvania National Mutual Casualty Insurance Company  
Appellate Case No. 2022-000366

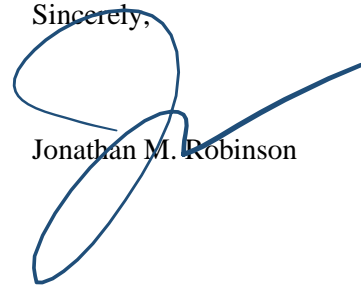
Dear Ms. Howard:

Pursuant to Rule 208(b)(7) of the South Carolina Appellate Court Rules, Respondent Covil Corporation, by and through its duly appointed Receiver, Peter D. Protopapas (“the Receiver”) is writing to notify the Court of a recent appellate decision pertinent to the above-referenced appeal, which is scheduled for oral argument on January 9, 2023. The Receiver notifies the Court of the enclosed decision of the South Carolina Court of Appeals in *Portrait Homes v. Pennsylvania National Mutual Casualty Insurance Company*, Op. No. 6038 (S.C. Ct. App. filed Dec. 13, 2023) (Howard Adv. Sh. No. 48 at 15–73).

In this opinion, the Court of Appeals rejected the “notice and cooperation” defense proffered by Pennsylvania National Mutual Casualty Insurance Company (“Penn National”), holding that the trial court did not err in finding Penn National was not “substantially prejudiced” by a lack of notice of a lawsuit from its insured. *Portrait Homes - S.C., LLC v. Penn. Nat'l Mut. Cas. Ins. Co.*, Op. No. 6038 (S.C. Ct. App. filed Dec. 13, 2023) (Howard Adv. Sh. No. 48 at 42–49). This discussion is relevant to the first issue in this appeal—whether the Court of Appeals properly found Penn National’s purported late notice defense against the Receiver failed because Penn National suffered no prejudice from the timing of the *Rollins* notice—which is discussed on pages 11–23 of the Receiver’s brief.

The Honorable Patricia A. Howard  
December 20, 2023  
Page 2 of 2

Sincerely,

A handwritten signature in blue ink, consisting of a large, stylized 'J' followed by a horizontal line that extends to the right and then loops back down and left to complete the signature.

Jonathan M. Robinson

JMR/df

Enclosure

cc: All counsel of record via email only