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Feb 05 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Jean Hoefler Toal, Chief Justice (Ret.), Acting Circuit Court Judge

Case No. 2019-CP-40-06243
Appellate Case No. 2021-000648

Peter D. Protopapas, as Receiver for Starr Davis Company, Inc. and Starr Davis Company of S.C., Inc., Plaintiffs/Respondents,

v.

Travelers Casualty and Surety Company f/k/a The Aetna Casualty and Surety Company; The Standard Fire Insurance Company; St. Paul Fire and Marine Insurance Company; The Employers' Fire Insurance Company; Southeastern Agency Group and M.I.A. Company, Inc., individually and as successors to or f/k/a Merrimon Insurance Agency, Inc.; Robert E. Aspray; Nell Ashworth, individually and as personal representative of the Estate of Robert J. Ashworth; Betty C. D'Amico, individually and as Executor of the Estate of Julian D'Amico, Jr.; Kayla Keith, individually and as the personal representative of the Estate of Jerry W. Archer, Sr.; Richard L. Knight II, as personal representative of the Estate of Teddy L. Knight, Sr., and Linda Knight, individually; David D. Rollins; James W. Smith and Frances R. Smith; and Linda J. White, individually and as personal representative of the Estate of Lubert R. White, Jr., Defendants,

of which

Travelers Casualty and Surety Company f/k/a The Aetna Casualty and Surety Company and The Standard Fire Insurance Company are the Appellants.

MOTION FOR ADMISSION
PRO HAC VICE

Peter D. Protopapas, in his capacity as the Receiver for Starr Davis ("Starr Davis"), by and through the undersigned counsel, respectfully moves this Court to permit Bryan Killian to practice *Pro Hac Vice* before the South Carolina Court of Appeals in the above-captioned appeal. The Receiver is filing this Motion in anticipation of oral argument scheduled for February 13, 2024.

Pursuant to Rule 404 of the South Carolina Appellate Court Rules, Mr. Killian and counsel of record, Shanon N. Peake, have filed a copy of the Verified Application for Admission *Pro Hac Vice* with the South Carolina Supreme Court, along with the requisite fee. The Verified Application and Certificate of Good Standing are attached hereto.

WHEREFORE, as the provisions of Rule 404, SCACR, have been met, Starr Davis respectfully requests that this Motion be granted.

Respectfully submitted,

s/ Shanon N. Peake _____

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

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

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

Smith Robinson Holler DuBose and Morgan, LLC

2530 Devine Street, Third Floor

Columbia, South Carolina 29205

(803) 254-5445

ATTORNEYS FOR RESPONDENT

February 5, 2024

Columbia, South Carolina

Feb 05 2024

VERIFIED APPLICATION FOR ADMISSION PRO HAC VICE
IN THE STATE OF SOUTH CAROLINA

SC Court of Appeals

Please type your answers in the space provided. Provide an answer for every question asked. In your own handwriting, sign in all spaces where a signature is required (no e-signatures). The accompanying certificate of good standing should not be older than 90 days at the time of the filing of this application.

Peter D. Protopapas, as Receiver for
Starr Davis Company, Inc. and Starr
Davis Company of South Carolina

Plaintiff

2021-000648

Case No.

South Carolina Court of Appeals

Tribunal

vs.

Travelers Casualty and Surety
Company, etc., et al.

Defendant

Mailing Address of Tribunal:

Clerk of the Court

PO Box 11629

Columbia, SC 29211

Comes now Bryan M. Killian, applicant herein, and respectfully represents the following:

1. Applicant resides at:

344 Club View Drive

Street Address

Great Falls

Fairfax

VA

22066

City

County

State

Zip Code

703-407-7427

Telephone

2. Applicant is an attorney and a member of the law firm of (or practices law under the name of)

Morgan Lewis & Bockius, LLP

, with offices at

1111 Pennsylvania Avenue, NW

Street Address

Washington

District of Columbia

20004

City

County

State

Zip Code

202-373-6191

202-739-3001

Bryan.killian@morganlewis.com

Primary Telephone

Cell Phone

Fax Number

Email Address

3. Applicant has been retained personally or as a member of the above-named law firm by

Starr Davis Company, Inc. by and through its duly appointed Receiver to provide legal representation in connection with the above case now pending before the above-named tribunal of the State of South Carolina.

4. Since 09/11/2009 of District of Columbia, Applicant has been, and presently is, a member in good standing of the bar of the highest court of the District of Columbia or the State of n/a where Applicant regularly practices law. Attached is a certificate of good standing dated within the last 90 days from the bar of the highest court of the District of Columbia or the State where applicant regularly practices law. It is not necessary to provide a certificate of good standing from all courts before which you are admitted.

5. List all courts before which Applicant has been admitted to practice law, including United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and state courts or the District of Columbia.

Court:	Date Admitted:
State of Connecticut	10/2006
District of Columbia	9/11/09
US Court of Appeals, First Circuit	05/24/19
US Court of Appeals, Second Circuit	01/16/15
US Court of Appeals, Third Circuit	10/17/16
US Court of Appeals, Fourth Circuit	06/30/09
US Court of Appeals, Fifth Circuit	02/01/07
US Court of Appeals, Sixth Circuit	04/15/13
US Court of Appeals, Seventh Circuit	08/23/19
US Court of Appeals, Eighth Circuit	07/10/09
US Court of Appeals, Ninth Circuit	02/26/10
US Court of Appeals, Eleventh Circuit	02/18/16
US Court of Appeals, District of Columbia	04/15/11
U.S. District Court, District of Columbia	11/01/10
U.S. District Court, District of Connecticut	10/2022
U.S. Supreme Court	10/07/13

Is Applicant presently a member in good standing of the bars of those courts listed above? List any court named in the preceding paragraph that applicant is no longer admitted to practice before.

Yes

6. Is Applicant presently subject to any suspension or disbarment proceedings, or has Applicant been formally notified of any complaints pending before a disciplinary agency? If yes, give particulars, e.g., jurisdiction, court date.

No

7. Has Applicant had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked? If yes give particulars, e.g., date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation.

No

8. Has Applicant had any certificate or privilege to appear and practice before any court or administrative body suspended or revoked? If yes, give particulars, e.g., date, court, administrative body, date of suspension and reinstatement.

No

9. Please be aware that local counsel must be Rule 403 certified. Local counsel of record associated

with Applicant in this case is Shanon N. Peake of the Smith Robinson Holler DuBose and Morgan, LLC law firm, which has offices at:

2530 Devine Street
Street Address

VERIFICATION

STATE OF District of Columbia, City of Washington, D.C.

COUNTY OF _____

I, Bryan M. Killian, do hereby swear or affirm under penalty of perjury that I am the applicant in the above-styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true. I understand that I am under a continuing duty to promptly update the information provided in the application until the tribunal has ruled on the motion for admission pro hac vice. Further, if the motion is granted, I understand that I am under a continuing duty to promptly update the information provided in the application as long as I continue to appear pro hac vice in the action or proceeding. Any updated information shall be provided to both the tribunal that granted the motion and to the tribunal in which the action or proceeding may then be pending.

Bryan M Killian
APPLICANT/AFFIANT

Subscribed and sworn to before me this 30th day of January, 2024

[Signature]
(Notary Signature)

Notary Public for the State of District of Columbia, City of Washington, D.C.

My Commission Expires: October 14, 2024



LOCAL COUNSEL CONSENT

I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

DATED this 5th day of February, 2024

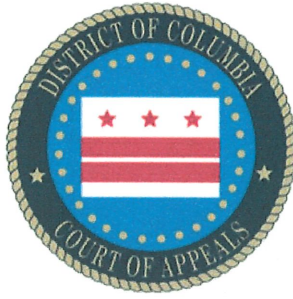
[Signature]
LOCAL COUNSEL OF RECORD

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this application upon the South Carolina Supreme Court by mail addressed to: South Carolina Supreme Court Office of Bar Admissions, PO Box 11330, Columbia, SC 29211, accompanied by payment of the \$250 filing fee payable to the South Carolina Supreme Court on this

5th day of February, 2024

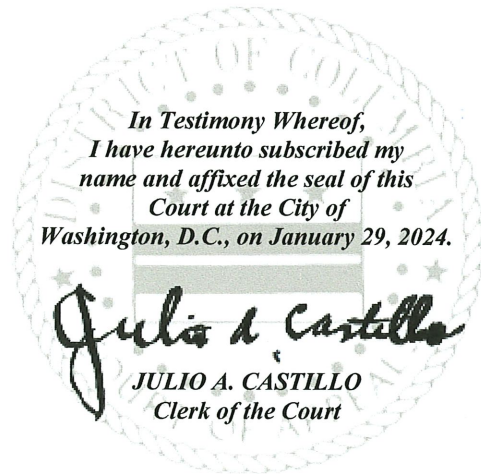
[Signature]



*On behalf of JULIO A. CASTILLO, Clerk of the District of Columbia Court of Appeals,
the District of Columbia Bar does hereby certify that*

Bryan M Killian

*was duly qualified and admitted on September 11, 2009 as an attorney and counselor entitled to
practice before this Court; and is, on the date indicated below, an Active member in good
standing of this Bar.*



Issued By:

*David Chu - Director, Membership
District of Columbia Bar Membership*

***For questions or concerns, please contact the D.C. Bar Membership Office at 202-626-3475 or email
memberservices@dcbbar.org.***

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Jean Hoefler Toal, Chief Justice (Ret.), Acting Circuit Court Judge

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v.

Travelers Casualty and Surety Company f/k/a The Aetna Casualty and Surety
Company; The Standard Fire Insurance Company; St. Paul Fire and Marine Insurance
Company; The Employers' Fire Insurance Company; Southeastern Agency Group
and M.I.A. Company, Inc., individually and as successors to or f/k/a Merrimon
Insurance Agency, Inc.; Robert E. Aspray; Nell Ashworth, individually and as
personal representative of the Estate of Robert J. Ashworth; Betty C. D'Amico,
individually and as Executor of the Estate of Julian D'Amico, Jr.; Kayla Keith,
individually and as the personal representative of the Estate of Jerry W. Archer, Sr.;
Richard L. Knight II, as personal representative of the Estate of Teddy L. Knight, Sr.,
and Linda Knight, individually; David D. Rollins; James W. Smith and Frances R.
Smith; and Linda J. White, individually and as personal representative of the Estate of
Lubert R. White, Jr., Defendants,

of which

Travelers Casualty and Surety Company f/k/a The Aetna Casualty and Surety
Company and The Standard Fire Insurance Company are the Appellants.

PROOF OF SERVICE

I certify that a true copy of the Motion for Admission *Pro Hac Vice* in this case has been
served on the following, this 5th day of February, 2024, 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).

Counsel Served: **E-Mail**

Matthew Todd Carroll – todd.carroll@wbd-us.com
M. Elizabeth O’Neill – elizabeth.oneill@wbd-us.com
Womble Bond Dickinson (US) LLP
1221 Main Street, Suite 1600
Columbia, SC 29201
(803) 454-6504

Harry Lee (*admitted pro hac vice*) – hlee@steptoe.com
Steptoe & Johnson LLP
1330 Connecticut Avenue, NW
Washington, DC 20036
(202) 429-3000

Attorneys for Appellants
Travelers Casualty and Surety Company f/k/a The Aetna Casualty and
Surety Company and The Standard Fire Insurance Company

Respectfully submitted,

s/ Shanon N. Peake
G. Murrell Smith, Jr. (S.C. Bar # 66263)
Jonathan M. Robinson (S.C. Bar # 68285)
Shanon N. Peake (S.C. Bar #102723)
Smith Robinson Holler DuBose and Morgan, LLC
2530 Devine Street, Third Floor
Columbia, South Carolina 29205
(803) 254-5445

ATTORNEYS FOR RESPONDENT

February 5, 2024

Columbia, South Carolina

From: [Dot Faulkenberry](#)
To: ["todd.carroll@wbd-us.com"](mailto:todd.carroll@wbd-us.com); [O'Neill, Elizabeth](#); hlee@steptoe.com
Cc: [Jon Robinson](#); [Shanon Peake](#); [Brian Barnwell](#); [Lindsay Valek](#); bryan.killian@morganlewis.com
Subject: Protopapas as Receiver for Starr Davis v. Travelers (Appellate Case No. 2021-000648)
Date: Monday, February 5, 2024 2:19:00 PM
Attachments: [Mtn for PHV Bryan Killian, 2.pdf](#)
[Bryan Killian Signed Application PHV, 2.pdf](#)

On behalf of Shanon Peake, please find attached for service the Respondent's Motion for Admission *Pro Hac Vice* in the above matter.

Thank you,
Dot



Dot Faulkenberry
Paralegal

E: dot@smithrobinsonlaw.com	Columbia Office
P: 803.254.5445	2530 Devine Street
D: 803.704.1101	Columbia, SC 29205
F: 803.254.5007	

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