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February 7, 2024

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

RE: Peter D. Protopapas v. Travelers Casualty  
Appellate Case No. 2021-000648  
Our File No. 19-075

Dear Ms. Kitchings:

Pursuant to Rule 208(b)(7) of the South Carolina Appellate Court Rules, Respondents Peter D. Protopapas, as Receiver for Starr Davis Company, and Starr Davis Company of South Carolina, Inc., write to notify the Court of a recent appellate decision pertinent to the above-referenced appeal, which is scheduled for oral argument on February 13, 2024. It is this Court's decision 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), available at 2023 WL 8610277.

In *Portrait Homes*, this Court held that a trial court appropriately deviated from a time-on-the-risk analysis where the CGL policies at issue “contained different language than the policies in” *Crossmann Cmtys. of N.C., Inc. v. Harleysville Mut. Ins. Co. (Crossmann II)*, 395 S.C. 40, 59-64, 717 S.E.2d 589, 599-601 (2011). See *Portrait Homes*, 2023 WL 8610277, at \*30. The Court's discussion and holding are relevant to the third issue in this appeal—concerning the Circuit Court's interpretation of the insurance policies Appellants issued to Starr Davis—and Respondents' contention that the policies here are worded more like the policies in *Portrait Homes* than the policies in *Crossman II*.

Sincerely,



Shanon N. Peake

SNP/dlf

cc: Matthew Todd Carroll, *via email only*  
Mary Elizabeth O'Neil, *via email only*  
Harry Lee, *via email only*