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Jun 12 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HAMPTON COUNTY
Court of Common Pleas

George M. McFaddin, Jr., Circuit Court Judge

Appeal No. 2023-001845 Case
No. 2022-CP-25-00269

Daniel A. Speights,

Appellant,

vs.

Chubb Limited d/b/a Chubb National
Insurance Company; Auto-Owners Insurance
Company; and Bankers Standard Insurance
Company,

Respondents.

**APPELLANT'S MEMORADUM IN OPPOSITION TO RESPONDENT
AUTO-OWNERS INSURANCE COMPANY'S MOTION TO DISMISS**

Auto-Owners has pivoted from one motion improperly attempting to curtail this Court's review to the next. As the primary thrust of its opposition to Speights appeal, Auto-Owners filed a Motion to Strike from the appellate record items that had clearly been presented to the lower court. Auto Owners' Motion to Strike required briefing. The Court's ruling concerning the Motion to Strike would determine the content of the appellate record which also impacts the

parties' ability to properly provide a final brief in the format most beneficial to the reviewing Court.

For this reason, a member of the team representing Speights reached out to Court of Appeals personnel and were informed that it would be more appropriate to wait until the Motion was ruled upon to designate the record and provide a final brief with references to the record, now clarified by determining the content.

The Court, deciding the Motion that would impact the contents of the record, ruled that the items Auto Owners sought to be excluded were presented to the lower court and were to be a part of the record on Friday, June 7, 2024. Speights has sent the now finalized record to be properly bound which will be submitted in tandem with the final brief as soon as the Record is returned to Speights and can be referenced.

The filing of the motion, given the context, is further indicia of the nature of the treatment to which Auto Owners has subjected its insured. Auto Owners' motion to dismiss is without merit, ignores the delay its own motion has caused, and should be denied.

By: s/ A. Gibson Solomons, III
A. Gibson Solomons, III (SC Bar #68291)
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Attorneys for Appellant

Hampton, South Carolina
June 12, 2024

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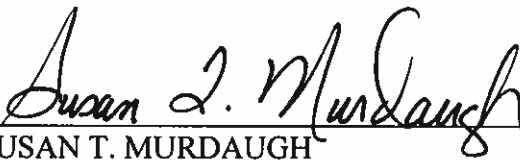
SC Court of Appeals

STATE OF SOUTH CAROLINA)
) AFFIDAVIT OF SERVICE
COUNTY OF HAMPTON)

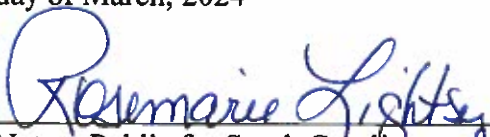
RE: Daniel A. Speights vs. Chubb Limited d/b/a Chubb National Insurance Company; Auto-Owners Insurance Company; and Bankers Standard Insurance Company (Appeal No. 2023-001845 /Case No. 2022-CVP-25-00269)

PERSONALLY APPEARED before me, Susan T. Murdaugh, who being duly sworn, deposes and says: that she is employed in the office of Speights & Solomons, LLC, attorneys for the Appellant in the above-referenced action; that she served the foregoing Appellant's Memorandum in Opposition to Respondent Auto-Owners Insurance Company this 12th day of June, 2024, via electronic email to the attorney(s) listed below:

Morgan S. Templeton, Esquire
W. Richards Hundly, Esquire
WALL TEMPLETON & HALDRUP, P.A.
Post Office Box 1200
Charleston, South Carolina 29402
Attorneys for Defendant Auto-Owners Insurance Company


SUSAN T. MURDAUGH

SWORN TO before me this 12th day of March, 2024


Notary Public for South Carolina (L.S.)
My Commission Expires: 11/18/2032

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SPEIGHTS & SOLOMONS, LLC

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June 12, 2024

VIA EMAIL (ctappfilings@scourts.org)

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

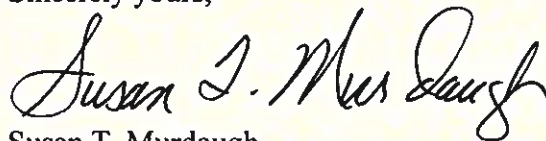
Re: Daniel A. Speights v. Chubb Limited, etc., et al.
Appeal No. 2023-001845 (2022-CP-25-00269)

Dear Ms. Kitchings:

Enclosed for electronic filing please find Appellant's Memorandum in Opposition to Respondent Auto-Owners Insurance Company's Motion to Dismiss and Affidavit of Service.

With kind regards, I am

Sincerely yours,



Susan T. Murdaugh
Paralegal

stm

Enclosures

cc: Morgan S. Templeton, Esquire (w/enc, via email only)
W. Richards Hundly, Esquire (w/enc, via email only)