

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

Saundra R. Hoffman, Petitioner-Respondent,

v.

State Farm Fire and Casualty Company, Respondent-
Petitioner.

Appellate Case No. 2024-001004

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS

Appeal From Lexington County
Edgar W. Dickson, Circuit Court Judge

Memorandum Opinion No. 2024-MO-025
Submitted October 16, 2024 – Filed November 6, 2024

AFFIRMED AS MODIFIED

Pamela R. Mullis, of Mullis Law Firm, PA, of Columbia,
for Appellant.

Robert William Whelan, of Whelan Mellen & Norris,
LLC, of Charleston, for Respondent.

PER CURIAM: Petitioner-Respondent (Hoffman) and Respondent-Petitioner (State Farm) both seek writs of certiorari to review the decision of the court of appeals in *Hoffman v. State Farm Fire and Cas. Co.*, Op. No. 2024-UP-067 (S.C. Ct. App. refiled May 15, 2024). We deny Hoffman's petition for a writ of certiorari, grant State Farm's petition for a writ of certiorari, dispense with briefing, and affirm the court of appeals' decision as modified.

In its opinion, the court of appeals held the circuit court improperly granted summary judgment on Hoffman's cause of action for breach of contract. The court properly held there was a genuine issue of material fact as to whether State Farm was equitably estopped from raising the defense of the statute of limitations. However, on the previous page, the court found "State Farm is *precluded* from asserting the defense of the statute of limitations" for the breach of contract claim. (Emphasis added). This is an incorrect statement as the court held there was a genuine issue of material fact on the issue. Therefore, we modify the court of appeals opinion to clarify that, while State Farm is not entitled to summary judgment on the statute of limitations, State Farm is *not* precluded from asserting a statute of limitations defense.

AFFIRMED AS MODIFIED.

KITTREDGE, C.J., FEW, JAMES and HILL, JJ., concur. VERDIN, J., not participating.