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**Apr 14 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM Horry County  
COURT OF COMMON PLEAS

THE HONORABLE B. ALEX HYMAN  
CIRCUIT COURT JUDGE

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APPELLATE CASE NO. 2024-000705  
CIVIL ACTION NO. 2021-CP-26-00808

A. Tebele & Sons, a South Carolina General Partnership,

**APPELLANT-RESPONDENT,**

versus

Certain Underwriters at Lloyd's; HDI Global Specialty SE; General Security  
Indemnity Company of Arizona; and Crescent Coast Insurance, LLC,

**RESPONDENTS,**

Of which Crescent Coast Insurance, LLC is the,

**RESPONDENT-APPELLANT.**

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**INITIAL BRIEF OF RESPONDENTS,  
CERTAIN UNDERWRITERS AT LLOYD'S, HDI GLOBAL SPECIALTY SE, GENERAL  
SECURITY INDEMNITY COMPANY OF ARIZONA**

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## **STATEMENT OF ISSUES ON APPEAL**

I. Whether if this Court determines in the primary appeal of A. Tebele & Sons that insurance coverage exists for the claimed fire loss, then the jury's verdict against Crescent Coast for negligence and breach of fiduciary duty for failure to procure coverage must be reversed as a matter of law.

## ARGUMENT

- I. **There is no coverage for the claimed loss, but assuming for the sake of argument that this Court were to find coverage, the Insurers do not dispute the law supports reversal of the jury's verdict against Crescent Coast for negligence and breach of fiduciary duty due to its failure to procure coverage.<sup>1</sup>**

As argued extensively by the Insurers in response to A. Tebele & Sons' Initial Brief, there is no coverage for the fire loss. Those arguments are incorporated herein by reference. However, assuming for the sake of argument that this Court were to find coverage, the Insurers do not dispute that the law supports reversal of the jury's verdict against Crescent Coast for negligence and breach of fiduciary duty due to its failure to procure coverage.

## CONCLUSION

There is no coverage for the claimed loss and therefore affirmance of the jury verdict is warranted on this issue.

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<sup>1</sup> This is a response to Issue II in Crescent Coast's Brief. Issue I raises arguments directed at A. Tebele & Sons, regarding which Insurers express no position.

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Dated: April 14, 2025.

**CERTIFICATE OF SERVICE**

I, the undersigned, an employee of Butler Weihmuller Katz Craig, LLP, for Respondents, Certain Underwriters at Lloyd's HDI Global Specialty SE, and General Security Indemnity Company of Arizona, do hereby certify that I have this date served the foregoing Initial Brief, dated April 14, 2025, by personally serving the same pursuant to Section (d)(1) of the Supreme Court's Amended Order dated April 24, 2024, on the following counsel of record using the primary email addresses listed in the Attorney Information System (if applicable):

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**SC Court of Appeals**

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**Attachments:** Initial Brief (Crescent Coast).pdf

Attached please find served upon you Respondents' Initial Brief on behalf of Respondents, Certain Underwriters at Lloyd's, HDI Global Specialty SE, and General Security Indemnity Company of Arizona.

Thank you,  
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