

IN THE STATE OF SOUTH CAROLINA  
In the Circuit Court

**RECEIVED**

**Jan 23 2026**

**SC Court of Appeals**

APPEAL FROM CHARLESTON CIRCUIT COURT

Mikell Scarborough, Circuit Court Judge

Circuit Court Case No.: 2015-CP-10-06684  
Appellate Case No.: 2025-001339

Palmetto Contract Services, Inc. ....Appellant,

v.

Zurich American Insurance Company of Illinois .....Respondent.

**APPELLANT’S RESPONSE TO RESPONDENT’S MOTION TO STRIKE PORTIONS  
OF APPELLANT’S DESIGNATION OF MATTER**

In response to Respondent’s Motion to Strike Portions of Appellant’s Designation of Matter, Appellant shows the court as follows. With respect to Respondent’s first argument related to Defendant’s Exhibit 2, Overland Audit for 2009-2010, Appellant agrees that this is an audit from a policy year different from the policy year at issue in this case, but contends that a comparison between how the same employes are treated over different audits by the same company is relevant in determining whether the audit for the 2012-2013 policy period was conducted properly and correctly. Respondent had provided worker’s compensation coverage for many policy periods prior to this period and Respondent had never classified Appellant’s workers as they did in the 2012-2013 policy period. Showing how Respondent itself classified these same

workers in prior policy periods and in prior audits is especially relevant to the proper classification for this policy period. For this reason, this court should deny Appellant's motion with respect to the Overland Audit for 2009-2010.

With respect to items II and III in Appellant's motion related to the prior lawsuit and the 2013 affidavit of William Deytens, Appellant will consent to removing these two items from its designation of matter.

With respect to Item 15 in Appellant's designation of matter, "All other relevant pleadings and documents produced in discovery", Appellant has no other documents or pleading it intends to include in the designation other than the specific items listed in its designation and does not object to striking this item.

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January 23, 2026

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**PROOF OF SERVICE**

I certify that I have served a copy of **Appellant’s Motion to File Out of Time, Appellant’s Response to Respondent’s Motion to Strike Portions of Appellant’s Designation of Matter** on the following via email address and facsimile on January 23, 2026.

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