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S.C. SUPREME COURT

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

IN THE ORIGINAL JURISDICTION

The Honorable H. Steven DeBerry, IV
Marion County C/A No.: 2025-CP-33-00076
Appellate Case No.: 2026-

CHARLES A. TRANT, M.D., Respondent,

v.

MAGMUTUAL INSURANCE COMPANY, Petitioner.

**MOTION TO EXPEDITE, OR IN THE ALTERNATIVE, REQUEST FOR
TEMPORARY STAY**

Petitioner/Defendant MagMutual Insurance Company (“MagMutual”), by and through the undersigned counsel, respectfully moves this Court for an order expediting the briefing and consideration of its Petition for Common Law Writ of Certiorari. In the alternative, MagMutual requests that this Court enter a temporary stay requiring that this case not go to trial while the Court considers the Petition.

In support of this request, MagMutual would show that the above-named parties are currently scheduled to appear for a lengthy trial in Marion County beginning on June 15, 2026. MagMutual, in its Petition, has fully briefed the substantial prejudice that would arise should this matter move forward. The Petition presents a novel question of South Carolina law and seeks determination of whether a bad faith insurance case can proceed to trial while the underlying case

for which the bad faith claims are grounded is pending on appeal. Moving forward with a bad faith trial on a non-final underlying judgment presents thorny issues of justiciability, ripeness, unknown liability and damages (if any), and attorney-client privilege/work product concerns that would likely be damaging to the underlying case pending on appeal. The circuit court has now twice denied requests to stay.

Because of this fast-approaching trial date and because of the substantial amount of pre-trial preparations that will be incurred by the circuit court and both parties, MagMutual respectfully requests the Court expedite the briefing schedule and its consideration of MagMutual's Petition. Alternatively, should the Court not have sufficient time to consider this novel issue in light of the June 15 impending trial date, MagMutual requests the Court issue a temporary stay of the bad faith litigation below to allow the Court sufficient time for consideration of this important issue.

(signature page to follow)

Respectfully submitted,

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s/ G. Murrell Smith, Jr. _____

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