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Aug 07 2026

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

**Zurich American Insurance Company of Illinois,
Respondent,**

v.

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

Appellate Case No. 2025-001339

**The Honorable Mikell R. Scarborough
Charleston County
Trial Court Case No. 2015CP1006684**

**RESPONDENT'S MOTION TO DISMISS APPEAL
AND, IN THE ALTERNATIVE, MOTION FOR ENLARGEMENT OF TIME
TO SERVE AND FILE RESPONDENT'S FINAL BRIEF,
AND SUPPORTING MEMORANDUM**

Respondent, Zurich American Insurance Company of Illinois ("Respondent"), by and through its undersigned counsel, respectfully moves this Court pursuant to Rules 240 and 260(a), SCACR, for an Order dismissing this appeal. Appellant has failed to serve the Record on Appeal upon Respondent, has never filed a proof of service of the Record on Appeal and has failed to comply with the deadline established by this Court's Order dated June 23, 2026. In the alternative, and only if the appeal is not dismissed, Respondent moves for an enlargement of time to serve and file its Final Brief until twenty (20) days after the Record on Appeal is properly served upon Respondent.

PROCEDURAL BACKGROUND

1. Appellant served its Notice of Appeal on July 2, 2025. The transcript was delivered on August 13, 2025.

2. Appellant did not timely serve and file its Initial Brief and Designation of Matter. On September 16, 2025, the Clerk issued an overdue letter. Appellant filed its Initial Brief and Designation of Matter on September 26, 2025, together with a motion to allow late filing, which this Court granted by Order dated October 7, 2025.

3. Respondent sought two enlargements of time to serve its Initial Brief, on November 3, 2025 and December 1, 2025. In each instance, undersigned counsel conferred with counsel for Appellant in advance and obtained his written consent, and each motion was styled and filed as an unopposed motion reciting that consent.

4. Respondent served and filed its Initial Brief, its Designation of Matter and a Motion to Strike Portions of Appellant's Designation of Matter on January 7, 2026.

5. Appellant did not timely file a return to the Motion to Strike. On January 22, 2026, this Court advised the parties that the appeal would be held in abeyance pending a ruling on the motion. On January 23, 2026, Appellant filed a return together with a motion to allow late filing, which this Court granted by Order dated February 24, 2026.

6. By Order dated March 16, 2026, this Court granted Respondent's Motion to Strike as to item 11.b and as to the items Appellant had conceded, and directed that "[w]ithin ten days of the date of this order, Appellant shall file an amended designation of matter." The Clerk's accompanying letter of the same date further advised that, if Appellant chose not to file a reply brief, Appellant was required to serve the Record on Appeal within thirty (30) days of filing the amended designation of matter.

7. Appellant did not file an amended designation of matter within ten days as ordered. On April 22, 2026, the Clerk advised Appellant that the time had expired and that, unless the amended designation was served and filed within ten days, "this appeal will be dismissed." Appellant filed its amended designation of matter on April 28, 2026, approximately thirty-three days after the date ordered by this Court.

8. Appellant filed no reply brief. The Record on Appeal was therefore required to be served no later than May 28, 2026. Appellant did not serve the Record on Appeal by that date.

9. On June 5, 2026, the Clerk advised Appellant that the time for filing the proof of service of the Record on Appeal had expired, and directed that within ten days Appellant "must serve and file the proof of service for the record on appeal, along with a motion requesting permission to file outside of the deadlines set by Rules 208 and 240 of the South Carolina Appellate Court Rules or this appeal will be dismissed."

10. Appellant did not serve the Record on Appeal or file a proof of service within those ten days. Instead, at 4:58 p.m. on June 15, 2026, Appellant transmitted to the Clerk a motion for an extension of time in which to file its motion to file out of time. Following a telephone call from the Clerk's office on the morning of June 17, 2026, Appellant transmitted an Amended Motion for Extension seeking a four-day extension, to June 19, 2026. The stated ground, in both motions, was "counsel for appellant's busy deposition and motions schedule and previously planned days off." Neither motion recited any conferral with Respondent's counsel, and none occurred.

11. By Order dated June 23, 2026, this Court construed Appellant's motion as one for an extension of time to serve the Record on Appeal, granted it and ordered that "[t]he time for serving the record on appeal is hereby extended until July 15, 2026," and that "[a]ll final briefs

must be served and filed, and the record on appeal must be filed, within twenty (20) days of the date of service of the record on appeal."

12. On June 19, 2026, a legal assistant at the Goodwyn Law Firm transmitted an email message addressed to the Court's filings address, on which the undersigned counsel and Carolyn H. Blue, Esquire were copied, attaching a file identified as "FINAL ROA.pdf." The attachment was approximately 168 megabytes in size and comprised approximately 760 pages.

13. Neither the undersigned counsel nor Carolyn H. Blue, Esquire received that transmission or the attached Record on Appeal. See Affidavits of Larry D. Cohen, Carolyn H. Blue and Ginger McMullin, filed concurrently with this Motion. The electronic mail system used by Respondent's counsel is configured to reject any inbound message exceeding thirty-five megabytes. The address to which the June 19, 2026 transmission was directed for Ms. Blue is her primary email address listed in the Attorney Information System and is also a consumer email account subject to an attachment size limitation substantially smaller than the transmission attempted. Email messages transmitted by the same sender to the same addresses on June 15, 2026 and June 17, 2026, with attachments of ordinary size, were received by Respondent's counsel.

14. Appellant has never filed a proof of service, affidavit of service or certificate of service for the Record on Appeal. The document indexed on this Court's docket as "Proof of Service of Record on Appeal," filed June 25, 2026, is a copy of the legal assistant's transmittal message to the Clerk. It contains no certificate of service and is not sworn.

15. By contrast, Appellant's filings of June 17, 2026 and June 19, 2026 each included a separate, signed Proof of Service certifying service of those documents upon the undersigned counsel and Ms. Blue. The Proof of Service accompanying the June 19, 2026 filing certifies

service of "Appellant's Motion to File Out of Time." It does not certify service of the Record on Appeal. Appellant's cover letter to the Clerk dated June 19, 2026 likewise transmits only the Motion to File Out of Time and makes no reference to the Record on Appeal.

16. On June 25, 2026, the Record on Appeal was filed and Appellant's Motion to File Out of Time was received. By letter dated June 25, 2026, the Clerk advised Appellant that an extension had already been granted by the Order of June 23, 2026 and that no further action would be taken on the motion.

17. By letter dated July 31, 2026, the Clerk advised that all final briefs and one bound paper copy of each must be served and filed within ten days "or this appeal will be dismissed."

18. By letter dated August 5, 2026, transmitted by RPost Registered Email and by United States Mail, undersigned counsel requested that Appellant serve the Record on Appeal and file a proof of service reflecting that service, and requested Appellant's position on the relief sought herein. Appellant did not respond.

GROUND FOR DISMISSAL

I. Appellant Failed to Serve the Record on Appeal Within the Time Ordered by this Court.

19. Rule 210(a), SCACR, requires the appellant to serve a copy of the Record on Appeal on each party who has served a brief and to immediately file proof of that service. This Court's Order of June 23, 2026 extended the time for that service to July 15, 2026.

20. No effective service occurred. The single attempted transmission was an email message addressed to the Clerk, on which Respondent's counsel were copied, and included an attachment of approximately 168 megabytes. Respondent's counsel did not receive it. That deadline has now passed, and Appellant has neither served the Record on Appeal nor sought

further relief from this Court.

II. Appellant Has Never Filed a Proof of Service of the Record on Appeal.

21. Rule 262(b), SCACR, provides that any document filed with the appellate court shall be accompanied by proof of service showing the document has been served on all parties. Rule 262(c)(3), SCACR, provides for service by electronic means in a manner provided by order of the Supreme Court of South Carolina. The operative order is Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (As Amended April 24, 2024), Appellate Case No. 2020-000447 (the "Order"). Section (d)(1) of the Order directs that, for documents served by electronic mail, a copy of the sent e-mail "shall be enclosed with the proof of service, affidavit of service, or certificate of service for that document."

22. The transmittal email message is thus contemplated as an enclosure to a proof of service, not as a substitute for one. Appellant filed the enclosure and omitted the proof. That omission is not inadvertent oversight on Appellant's part. Appellant prepared and filed a proper, signed Proof of Service for its Amended Motion for Extension two days earlier and another for its Motion to File Out of Time on the very same transmission.

23. Nor was Appellant left without a means of accomplishing service of a document of this size. The Order expressly anticipates the problem. Section (b)(2) provides that filing by e-mail "may not be suitable for large documents, and if it becomes necessary to split a document into multiple parts, the e-mail shall identify the part being sent (i.e., Record on Appeal, Part 1 of 4)." Section (b)(1) provides that lawyers may utilize OneDrive for Business to submit documents electronically and states that lawyers "are strongly encouraged to use this method of filing." Appellant availed itself of neither. It attempted a single 168 megabyte transmission, undertook no confirmation that the transmission had been received and filed no proof of service.

24. This is the precise failure the Clerk identified on June 5, 2026 and warned would result in dismissal. Nearly two months later, it remains uncured.

III. The Failure to Serve the Record Is the Culmination of Appellant's Sustained Failure to Prosecute.

25. Rule 260(a), SCACR, provides that whenever it appears an appellant has failed to comply with the requirements of the Rules, the clerk shall issue an order of dismissal, which shall have the same force and effect as an order of the appellate court. Rule 208(a)(4), SCACR, provides separately for dismissal upon an appellant's failure to timely file and serve its brief.

26. In the thirteen months since the Notice of Appeal was served, Appellant has missed the deadline for its Initial Brief and Designation of Matter; the deadline for its return to Respondent's Motion to Strike; the ten-day deadline set by this Court's Order of March 16, 2026 for its amended designation of matter, by approximately thirty-three days; the thirty-day deadline for serving the Record on Appeal; the ten-day deadline set by the Clerk's letter of June 5, 2026; and the deadline set by this Court's Order of June 23, 2026. Four separate clerk's overdue letters have issued, three of them expressly warning of dismissal. On each occasion Appellant acted only after the warning, and on three occasions only with leave to file out of time.

27. Not once did Appellant confer with Respondent's counsel before seeking relief. Respondent, by contrast, conferred with Appellant's counsel before each of its two requests for enlargement and obtained written consent, as its motions of November 3, 2025 and December 1, 2025 reflect on their face.

28. The cause offered for the most recent defaults, namely counsel's "busy deposition and motions schedule and previously planned days off," is the same cause offered for the defaults preceding them.

29. The same lack of care appears in the Record on Appeal itself. The Certificate of Counsel at page 758 certifies that the Record was submitted with the consent of all attorneys of record pursuant to Rule 212(b), SCACR. Respondent's consent was never sought and never given. The Record further contains, at approximately pages 749 through 757, a printout of the Charleston County public index and a printout of this Court's docket in this appeal, neither of which appears in Appellant's Amended Designation of Matter. Respondent raised both matters in its letter of August 5, 2026 and received no response.

ALTERNATIVE RELIEF

30. If this Court declines to dismiss the appeal, Respondent requests an enlargement of time to serve and file its Final Brief until twenty (20) days after the Record on Appeal is properly served upon Respondent.

31. Rule 211(b)(1), SCACR, requires that the references in a party's initial brief be revised in the final brief to indicate where the material appears in the Record on Appeal. Respondent cannot comply with that requirement without the Record. Respondent has never been served with it, and accordingly the twenty-day period fixed by this Court's Order of June 23, 2026 has not begun to run as to Respondent.

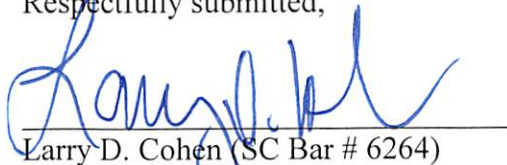
32. Respondent further notes that, under Rule 240(b), SCACR, a motion to dismiss an appeal "shall, however, automatically stay the time limits for perfecting the appeal until the motion is decided." Service and filing of the Record on Appeal and the service and filing of final briefs are steps in the perfection of this appeal, and the time limits governing them are stayed by the filing of this Motion pending its disposition.

CONCLUSION

33. For the foregoing reasons, Respondent respectfully requests that this Court

dismiss this appeal pursuant to Rules 240 and 260(a), SCACR. In the alternative, Respondent requests an enlargement of time to serve and file its Final Brief until twenty (20) days after the Record on Appeal is properly served, and such other relief as the Court deems just.

Respectfully submitted,



Charleston, South Carolina
Dated this 7th day of August 2026

Larry D. Cohen (SC Bar # 6264)
Carolyn H. Blue (SC Bar # 68506)
Larry D. Cohen, LLC
Attorneys At Law
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Charleston, SC 29417
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Ldcohen@Ldcohenlaw.com
carolyn.blue@ymail.com
Attorneys for Respondent

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SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Zurich American Insurance Company of Illinois,

Respondent,

v.

Palmetto Contract Services, Inc.,

Appellant.

Appellate Case No. 2025-001339

The Honorable Mikell R. Scarborough

Charleston County

Trial Court Case No. 2015CP1006684

AFFIDAVIT OF LARRY D. COHEN

**STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON**

PERSONALLY APPEARED BEFORE ME the undersigned, who, being duly sworn,
deposes and states:

1. I am over the age of eighteen years, am competent to testify and have personal knowledge of the matters stated herein.
2. I am an attorney licensed to practice in the State of South Carolina and am an attorney of record for Respondent Zurich American Insurance Company of Illinois in this appeal.
3. My email address is ldcohen@ldcohenlaw.com. That address is my primary address in the Attorney Information System maintained under Rule 410, SCACR, and is the address at which counsel for Appellant has transmitted other filings in this appeal.
4. On June 15, 2026 and again on June 17, 2026, I received email messages at that

address from cchase@goodwynlaw.com, addressed to the Court's filings address and copied to me, transmitting Appellant's Motion for Extension and Amended Motion for Extension respectively. Each message bore an attachment of ordinary size and each was received without difficulty.

5. I have since been provided with a copy of an email message dated June 19, 2026 at 3:50 p.m., sent from cchase@goodwynlaw.com to the Court's filings address and copied to me and to Carolyn H. Blue, Esquire, attaching a file identified as "FINAL ROA.pdf."

6. I did not receive that message.

7. On August 3, 2026, I searched my email account for that message. My search included my inbox, my spam folder, my trash folder and all other folders in the account. I searched by sender address, by subject line and by date across the period June 1, 2026 through June 30, 2026. The message does not appear in my account.

8. The electronic mail system used by Larry D. Cohen, LLC will not accept an inbound message of the size attempted. The configuration of that system is addressed in the Affidavit of Ginger McMullin, filed herewith.

9. Appellant has never served the Record on Appeal upon me in any form, by any means.

10. On August 3, 2026, I obtained a copy of the Record on Appeal from the records of this Court. I state expressly that I do not treat that retrieval as service upon Respondent, and it does not cure Appellant's failure to serve the Record on Appeal or to file a proof of service.

11. The file I obtained on August 3, 2026 is approximately 168 megabytes in size and comprises approximately 760 pages. I determined the file size and page count from the file itself.

12. I have never received from Appellant or Appellant's counsel any proof of service, affidavit of service or certificate of service certifying service of the Record on Appeal.

13. Prior to each of Respondent's two motions for enlargement of time in this appeal, I or Ms. Blue contacted T. Jeff Goodwyn, Jr., Esquire, counsel for Appellant, advised him of the relief Respondent intended to seek and obtained his written consent. Each motion was filed as an unopposed motion and recited that consent.

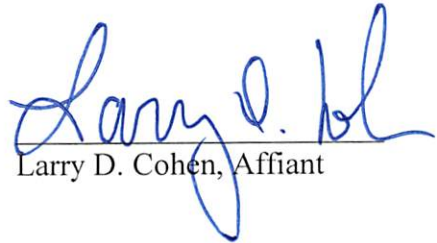
14. Mr. Goodwyn did not contact me before filing any of Appellant's motions to file out of time or for extension of time in this appeal, and did not seek Respondent's position on any of them.

15. Appellant filed a Certificate of Counsel in this appeal reciting the consent of Respondent under Rule 212(b), SCACR. No such consent was sought from me or from Ms. Blue, and none was given.

16. On August 5, 2026, I transmitted a letter to Mr. Goodwyn by RPost Registered Email and by United States Mail, requesting that he serve the Record on Appeal and file a proof of service reflecting that service, and addressing the further matters set out in that letter. A copy of that letter is attached hereto as Exhibit "1," together with the Registered Receipt reflecting its transmission.

17. That letter requested a response by 3:00 p.m. on Thursday, August 6, 2026. As of the execution of this affidavit, I have received no response of any kind from Mr. Goodwyn or from his office.

FURTHER AFFIANT SAYETH NOT.


Larry D. Cohen, Affiant

SWORN to before me this 7th day
of August 2026.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: April 14, 2027

EXHIBIT 1

LARRY D. COHEN, LLC
Attorneys at Law
Post Office Box 30547
Charleston, S.C. 29417

Telephone: (843) 225-4445
Facsimile: (843) 225-2009

Larry D. Cohen *▼
Debra L. Redman ♦▼
Carolyn H. Blue (Of Counsel) +●

* Member SC, FL, GA & TX
▼ ♦ Member SC & TX Bars
+Member SC & Florida Bars
▼ TX- inactive ● FLA-inactive

Ldcohen@Ldcohenlaw.com

August 5, 2026

Via Rpost Registered Email and U.S. Mail

T. Jeff Goodwyn, Jr., Esquire
Goodwyn Law Firm, LLC
2309 Devine Street
Columbia, South Carolina 29205

Re: *Zurich American Insurance Company of Illinois v. Palmetto Contract Services, Inc.*
S.C. Court of Appeals Appellate Case No. 2025-001339

Dear Jeff:

This letter concerns the Record on Appeal and the Clerk for the Court of Appeals' letter of July 31, 2026.

Neither Ms. Blue nor I have been served with the Record on Appeal. We have been provided with a copy of an email message dated June 19, 2026 at 3:50 p.m., sent by Ms. Chase of your office to the Court's filings address and copied to each of us, attaching a file identified as "FINAL ROA.pdf." That message was not received at either of our email addresses. The attachment is approximately 168 megabytes, which exceeds the size a message may carry on our system and exceeds the published attachment limit of the account at which Ms. Blue was copied. Other email messages your office sent to the same email addresses on June 15, 2026 and June 17, 2026, with attachments of ordinary size, were received without difficulty.

No proof of service, affidavit of service or certificate of service for the Record on Appeal appears to have been served or filed. The document indexed on the Court's docket as the Proof of Service of Record on Appeal is a copy of the email transmittal message. The Proof of Service enclosed with your June 19, 2026 filing certifies service of Appellant's Motion to File Out of Time rather than of the Record.

On August 3, 2026, I obtained a copy of the Record on Appeal from the Court's records. I write you this letter so that there is no misunderstanding on this point: my obtaining that copy of the Record on Appeal is not service. We do not treat it as curing your client's omission. I request that you serve the Record on Appeal upon us and file a proof of service reflecting that service.

Two further matters require your attention. The Certificate of Counsel at page 758 certifies that the Record was submitted with the consent of all attorneys of record pursuant to Rule 212(b), SCACR. Respondent's consent was never sought and never given. The Record also contains, at approximately pages 749 through 757, a printout of the Charleston County public index and a printout of the Court of Appeals docket in this appeal, neither of which appears in Appellant's Amended Designation of Matter.

The Clerk's letter of July 31, 2026 requires that all final briefs and one bound paper copy of each be served and filed within ten days or the appeal will be dismissed. That period expires Monday, August 10, 2026.

I ask that by 3:00 p.m. on Thursday, August 6, 2026 you do the following.

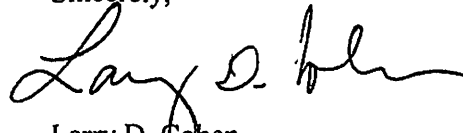
1. Serve the Record on Appeal upon Ms. Blue and me by a means capable of carrying a file of the size of approximately 168 megabytes, and file a proof of service reflecting that service. A file transfer link, physical media or a bound paper copy would each be sufficient.
2. Advise whether Appellant intends to file a corrected Certificate of Counsel.
3. Advise whether Appellant consents to the removal from the Record on Appeal of the two documents identified as a printout of the Charleston County public index and a printout of the Court of Appeals docket in this appeal, or whether Respondent should seek that relief by motion.
4. Advise whether Appellant opposes the motion described below, so that I may state Appellant's position accurately to the Court.

Unless we resolve these matters, our client intends to move the Court to dismiss the appeal and, in the alternative, for an enlargement of time for our client to serve and file its Final Brief.

Ms. Blue and I are available to discuss this by telephone at a mutually convenient time.

Letter to T. Jeff Goodwyn, Jr., Esquire
August 5, 2026
Page 3 of 3

Sincerely,



Larry D. Cohen

LDC/jmr
cc: Carolyn H. Blue, Esquire

Larry D. Cohen

From: Receipt <receipt@r1.rpost.net>
Sent: Wednesday, August 5, 2026 5:57 PM
To: Larry D. Cohen
Subject: Receipt: Zurich v. Palmetto Contract Services, Inc.
Attachments: DeliveryReceipt.xml; HtmlReceipt.htm



This receipt contains verifiable proof of your RPost transaction.

The holder of this receipt has proof of delivery, message and attachment content, and official time of sending and receipt. Depending on services selected, the holder also may have proof of encrypted transmission and/or electronic signature.

To authenticate this receipt, forward this email with its attachment to 'verify@r1.rpost.net' or [click here](#)

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jgoodwyn@goodwynlaw.com	Delivered to Mailbox	Delivery confirmed by recipient mail server at NETORGFT8274105.onmicrosoft.com 	08/05/2026 07:56:17 PM (UTC)	08/05/2026 07:56:17 PM		
carolyn.blue@ymail.com	Delivered and Opened	HTTP-IP:69.147.86.139 	08/05/2026 07:56:16 PM (UTC)	08/05/2026 07:56:16 PM	08/05/2026 08:01:16 PM	
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*UTC represents Coordinated Universal Time: <https://www.rmail.com/resources/coordinated-universal-time/>

Message Envelope	
From:	Larry Cohen <ldcohen@ldcohenlaw.com>
Subject:	Zurich v. Palmetto Contract Services, Inc.
To:	<jgoodwyn@goodwynlaw.com>
Cc:	<carolyn.blue@ymail.com>
Bcc:	<chblue@ldcohenlaw.com> <ldcohen@ldcohenlaw.com>
Network ID:	705789cb-b30e-431a-8ea7-02ccc4706512@SM25
Received by RMail System:	08/05/2026 07:56:07 PM (UTC), 08/05/2026 07:56:07 PM (Local)
Client Code:	

Message Statistics	
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Message Size:	291351
Features Used:	
File Size:	File Name:
204407	Letter to J. Goodwyn (sent 08.05.26).pdf

Delivery Audit Trail

8/5/2026 7:56:12 PM starting goodwynlaw.com/mta-tls 8/5/2026 7:56:12 PM connecting from mta21.r1.rpost.net (0.0.0.0) to goodwynlaw-com.mail.protection.outlook.com (52.101.11.13) 8/5/2026 7:56:12 PM connected from 192.168.10.11:42203 8/5/2026 7:56:13 PM >>> 220 SN1PEPF00036F3C.mail.protection.outlook.com Microsoft ESMTP MAIL Service ready at Wed, 5 Aug 2026 19:56:12 +0000 [08DEF2FD4B928618] 8/5/2026 7:56:13 PM <<< EHLO mta21.r1.rpost.net 8/5/2026 7:56:13 PM >>> 250-SN1PEPF00036F3C.mail.protection.outlook.com Hello [52.58.131.9] 8/5/2026 7:56:13 PM >>> 250-SIZE 157286400 8/5/2026 7:56:13 PM >>> 250-PIPELINING 8/5/2026 7:56:13 PM >>> 250-DSN 8/5/2026 7:56:13 PM >>> 250-ENHANCEDSTATUSCODES 8/5/2026 7:56:13 PM >>> 250-STARTTLS 8/5/2026 7:56:13 PM >>> 250-8BITMIME 8/5/2026 7:56:13 PM >>> 250-BINARYMIME 8/5/2026 7:56:13 PM >>> 250-CHUNKING 8/5/2026 7:56:13 PM >>> 250 SMTPUTF8 8/5/2026 7:56:13 PM <<< STARTTLS 8/5/2026 7:56:13 PM >>> 220 2.0.0 SMTP server ready 8/5/2026 7:56:13 PM tls: TLSv1.2 connected with 256-bit ECDHE-RSA-AES256-GCM-SHA384 8/5/2026 7:56:13 PM tls: Cert: /C=US/ST=Washington/L=Redmond/O=Microsoft Corporation/CN=mail.protection.outlook.com; issuer=/C=US/O=DigiCert Inc/CN=DigiCert SHA2 Secure Server CA; verified=no 8/5/2026 7:56:13 PM <<< EHLO mta21.r1.rpost.net 8/5/2026 7:56:13 PM >>> 250-SN1PEPF00036F3C.mail.protection.outlook.com Hello [52.58.131.9] 8/5/2026 7:56:13 PM >>> 250-SIZE 157286400 8/5/2026 7:56:13 PM >>> 250-PIPELINING 8/5/2026 7:56:13 PM >>> 250-DSN 8/5/2026 7:56:13 PM >>> 250-ENHANCEDSTATUSCODES 8/5/2026 7:56:13 PM >>> 250-8BITMIME 8/5/2026 7:56:13 PM >>> 250-BINARYMIME 8/5/2026 7:56:13 PM >>> 250-CHUNKING 8/5/2026 7:56:13 PM >>> 250 SMTPUTF8 8/5/2026 7:56:13 PM <<< MAIL FROM: BODY=8BITMIME RET=FULL 8/5/2026 7:56:13 PM >>> 250 2.1.0 Sender OK 8/5/2026 7:56:13 PM <<< RCPT TO: NOTIFY=SUCCESS,FAILURE,DELAY 8/5/2026 7:56:14 PM >>> 250 2.1.5 Recipient OK 8/5/2026 7:56:14 PM <<< DATA 8/5/2026 7:56:14 PM >>> 354 Start mail input; end with . 8/5/2026 7:56:14 PM <<< . 8/5/2026 7:56:17 PM >>> 250 2.6.0 [InternalId=30889404836020, Hostname=LVOPR20MB994549.namprd20.prod.outlook.com] 301283 bytes in 1.467, 200.461 KB/sec Queued mail for delivery 8/5/2026 7:56:17 PM <<< QUIT 8/5/2026 7:56:18 PM >>> 221 2.0.0 Service closing transmission channel 8/5/2026 7:56:18 PM closed goodwynlaw-com.mail.protection.outlook.com (52.101.11.13) in=927 out=291741 8/5/2026 7:56:18 PM done goodwynlaw.com/mta-tls

8/5/2026 7:56:12 PM starting gmail.com/mta-tls 8/5/2026 7:56:12 PM connecting from mta21.r1.rpost.net (0.0.0.0) to mta7.am0.yahoodns.net (98.136.96.75) 8/5/2026 7:56:13 PM connected from 192.168.10.11:56402 8/5/2026 7:56:13 PM >>> 220 mta7.am0.yahoodns.net ESMTP ready 8/5/2026 7:56:13 PM <<< EHLO mta21.r1.rpost.net 8/5/2026 7:56:13 PM >>> 250-mta7.am0.yahoodns.net Hello [52.58.131.9] 8/5/2026 7:56:13 PM >>> 250-PIPELINING 8/5/2026 7:56:13 PM >>> 250-SIZE 41943040 8/5/2026 7:56:13 PM >>> 250-8BITMIME 8/5/2026 7:56:13 PM >>> 250 STARTTLS 8/5/2026 7:56:13 PM <<< STARTTLS 8/5/2026 7:56:13 PM >>> 220 Ready for TLS 8/5/2026 7:56:13 PM tls: TLSv1.2 connected with 128-bit ECDHE-RSA-AES128-GCM-SHA256 8/5/2026 7:56:13 PM tls: Cert: /C=US/ST=New York/L=New York/O=Yahoo Holdings Inc./CN=*.mail.am0.yahoodns.net; issuer=/C=US/O=DigiCert Inc/CN=DigiCert Global G2 TLS RSA SHA256 2020 CA1; verified=no 8/5/2026 7:56:13 PM <<< EHLO mta21.r1.rpost.net 8/5/2026 7:56:13 PM >>> 250-mta7.am0.yahoodns.net Hello [52.58.131.9] 8/5/2026 7:56:13 PM >>> 250-PIPELINING 8/5/2026 7:56:13 PM >>> 250-SIZE 41943040 8/5/2026 7:56:13 PM >>> 250-8BITMIME 8/5/2026 7:56:13 PM >>> 250 OK 8/5/2026 7:56:13 PM <<< MAIL FROM: BODY=8BITMIME 8/5/2026 7:56:13 PM >>> 250 sender ok 8/5/2026 7:56:13 PM <<< RCPT TO: 8/5/2026 7:56:14 PM >>> 250 recipient ok 8/5/2026 7:56:14 PM <<< DATA 8/5/2026 7:56:14 PM >>> 354 go ahead 8/5/2026 7:56:14 PM <<< . 8/5/2026 7:56:16 PM >>> 250 ok dirdel 8/5/2026 7:56:16 PM <<< QUIT 8/5/2026 7:56:16 PM >>> 221 2.0.0 Bye 8/5/2026 7:56:16 PM closed mta7.am0.yahoodns.net (98.136.96.75) in=440 out=291700 8/5/2026 7:56:16 PM done gmail.com/mta-tls

8/5/2026 7:56:13 PM starting ldcohenlaw.com/mta-tls 8/5/2026 7:56:13 PM connecting from mta21.r1.rpost.net (0.0.0.0) to ldcohenlaw-com.mail.protection.outlook.com (52.101.50.10) 8/5/2026 7:56:13 PM connected from 192.168.10.11:37044 8/5/2026 7:56:13 PM >>> 220 MWH0EPF000C618B.mail.protection.outlook.com Microsoft ESMTP MAIL Service ready at Wed, 5 Aug 2026 19:56:12 +0000 [08DEF30D3CC85C0A] 8/5/2026 7:56:13 PM <<< EHLO mta21.r1.rpost.net 8/5/2026 7:56:13 PM >>> 250-MWH0EPF000C618B.mail.protection.outlook.com Hello [52.58.131.9] 8/5/2026 7:56:13 PM >>> 250-SIZE 157286400 8/5/2026 7:56:13 PM >>> 250-PIPELINING 8/5/2026 7:56:13 PM >>> 250-DSN 8/5/2026 7:56:13 PM >>> 250-ENHANCEDSTATUSCODES 8/5/2026 7:56:13 PM >>> 250-STARTTLS 8/5/2026 7:56:13 PM >>> 250-8BITMIME 8/5/2026 7:56:13 PM >>> 250-BINARYMIME 8/5/2026 7:56:13 PM >>> 250-CHUNKING 8/5/2026 7:56:13 PM >>> 250 SMTPUTF8 8/5/2026 7:56:13 PM <<< STARTTLS 8/5/2026 7:56:13 PM >>> 220 2.0.0 SMTP server ready 8/5/2026 7:56:14 PM tls: TLSv1.2 connected with 256-bit ECDHE-RSA-AES256-GCM-SHA384 8/5/2026 7:56:14 PM tls: Cert: /C=US/ST=Washington/L=Redmond/O=Microsoft Corporation/CN=mail.protection.outlook.com; issuer=/C=US/O=DigiCert Inc/CN=DigiCert SHA2 Secure Server CA; verified=no 8/5/2026 7:56:14 PM <<< EHLO mta21.r1.rpost.net 8/5/2026 7:56:14 PM >>> 250-MWH0EPF000C618B.mail.protection.outlook.com Hello [52.58.131.9] 8/5/2026 7:56:14 PM >>> 250-SIZE 157286400 8/5/2026 7:56:14 PM >>> 250-PIPELINING 8/5/2026 7:56:14 PM >>> 250-DSN 8/5/2026 7:56:14 PM >>> 250-ENHANCEDSTATUSCODES 8/5/2026 7:56:14 PM >>> 250-8BITMIME 8/5/2026 7:56:14 PM >>> 250-BINARYMIME 8/5/2026 7:56:14 PM >>> 250-CHUNKING 8/5/2026 7:56:14 PM >>> 250 SMTPUTF8 8/5/2026 7:56:14 PM <<< MAIL FROM: BODY=8BITMIME RET=FULL 8/5/2026 7:56:14 PM >>> 250 2.1.0 Sender OK 8/5/2026 7:56:14 PM <<< RCPT TO: NOTIFY=SUCCESS,FAILURE,DELAY 8/5/2026 7:56:14 PM >>> 250 2.1.5 Recipient OK 8/5/2026 7:56:14 PM <<< DATA 8/5/2026 7:56:14 PM >>> 354 Start mail input; end with . 8/5/2026 7:56:15 PM <<< . 8/5/2026 7:56:17 PM >>> 250 2.6.0 <1jTi5k96f0XfbF17T19gq0AILAJyzEldhTBODuqMDM0#r1.rpost.net> [InternalId=57488137289561, Hostname=DS0PR15MB6188.namprd15.prod.outlook.com] 301335 bytes in 1.436, 204.852 KB/sec Queued mail for delivery 8/5/2026 7:56:17 PM <<< QUIT 8/5/2026 7:56:18 PM >>> 221 2.0.0 Service closing transmission channel 8/5/2026 7:56:18 PM closed ldcohenlaw-com.mail.protection.outlook.com (52.101.50.10) in=925 out=291735 8/5/2026 7:56:22 PM done ldcohenlaw.com/mta-tls

8/5/2026 7:56:13 PM starting ldcohenlaw.com/mta-tls 8/5/2026 7:56:18 PM connecting from mta21.r1.rpost.net (0.0.0.0) to ldcohenlaw-com.mail.protection.outlook.com (52.101.50.10) 8/5/2026 7:56:18 PM connected from 192.168.10.11:36025 8/5/2026 7:56:18 PM >>> 220 MWH0EPF000C6184.mail.protection.outlook.com Microsoft ESMTP MAIL Service ready at Wed, 5 Aug 2026 19:56:17 +0000 [08DEEDF25F2A4752] 8/5/2026 7:56:18 PM <<< EHLO mta21.r1.rpost.net 8/5/2026 7:56:18 PM >>> 250-MWH0EPF000C6184.mail.protection.outlook.com Hello [52.58.131.9] 8/5/2026 7:56:18 PM >>> 250-SIZE 157286400 8/5/2026 7:56:18 PM >>> 250-PIPELINING 8/5/2026 7:56:18 PM >>> 250-DSN 8/5/2026 7:56:18 PM >>> 250-ENHANCEDSTATUSCODES 8/5/2026 7:56:18 PM >>> 250-STARTTLS 8/5/2026 7:56:18 PM >>> 250-8BITMIME 8/5/2026 7:56:18 PM >>> 250-BINARYMIME 8/5/2026 7:56:18 PM >>> 250-CHUNKING 8/5/2026 7:56:18 PM >>> 250 SMTPUTF8 8/5/2026 7:56:18 PM <<< STARTTLS 8/5/2026 7:56:18 PM >>> 220 2.0.0 SMTP server ready 8/5/2026 7:56:18 PM tls: TLSv1.2 connected with 256-bit ECDHE-RSA-AES256-GCM-SHA384 8/5/2026 7:56:18 PM tls: Cert: /C=US/ST=Washington/L=Redmond/O

=Microsoft Corporation/CN=mail.protection.outlook.com; issuer=/C=US/O=DigiCert Inc/CN=DigiCert SHA2 Secure Server CA; verified=no 8/5/2026 7:56:18 PM <<< EHLO mta21.r1.rpost.net 8/5/2026 7:56:19 PM >>> 250-MWH0EPF00C6184.mail.protection.outlook.com Hello [52.58.131.9] 8/5/2026 7:56:19 PM >>> 250-SIZE 157286400 8/5/2026 7:56:19 PM >>> 250-PIPELINING 8/5/2026 7:56:19 PM >>> 250-DSN 8/5/2026 7:56:19 PM >>> 250-ENHANCEDSTATUSCODES 8/5/2026 7:56:19 PM >>> 250-8BITMIME 8/5/2026 7:56:19 PM >>> 250-BINARYMIME 8/5/2026 7:56:19 PM >>> 250-CHUNKING 8/5/2026 7:56:19 PM >>> 250-SMTPUTF8 8/5/2026 7:56:19 PM <<< MAIL FROM: BODY=8BITMIME RET=FULL 8/5/2026 7:56:19 PM >>> 250 2.1.0 Sender OK 8/5/2026 7:56:19 PM <<< RCPT TO: NOTIFY=SUCCESS,FAILURE,DELAY 8/5/2026 7:56:19 PM >>> 250 2.1.5 Recipient OK 8/5/2026 7:56:19 PM <<< DATA 8/5/2026 7:56:19 PM >>> 354 Start mail input; end with . 8/5/2026 7:56:20 PM <<< . 8/5/2026 7:56:22 PM >>> 250 2.6.0 [InternalId=8461085609183, Hostname=SJ0PR15MB7301.namprd15.prod.outlook.com] 301355 bytes in 0.182, 1614.046 KB/sec Queued mail for delivery 8/5/2026 7:56:22 PM <<< QUIT 8/5/2026 7:56:22 PM >>> 221 2.0.0 Service closing transmission channel 8/5/2026 7:56:22 PM closed ldcohenlaw-com.mail.protection.outlook.com (52.101.50.10) in=925 out=291738 8/5/2026 7:56:22 PM done ldcohenlaw.com/mta-tls

From:postmaster#NETORGFT8274105.onmicrosoft.com:Your message has been delivered to the following recipients: jgoodwyn#goodwynlaw.com Subject: Registered: Zurich v. Palmetto Contract Services, Inc.

[IP Address: 69.147.86.139] [Time Opened: 8/5/2026 8:01:16 PM] [REMOTE_HOST: 192.168.10.219] [HTTP_HOST: rwg.r1.rpost.net] [SCRIPT_NAME: /oatv_v2/kYHfSogaPKNezdJaS56LagSLgV9OHFRdbo2UjHHMDM0.gif] HTTP_ACCEPT:image/avif,image/webp,image/apng,image/svg+xml,image/*,*/*;q=0.8 HTTP_ACCEPT_ENCODING:gzip HTTP_HOST:rwg.r1.rpost.net HTTP_USER_AGENT:YahooMailProxy; hxxps://help.yahoo.com/kb/yahoo-mail-proxy-SLN28749.html HTTP_X_FORWARDED_FOR:69.147.86.139 HTTP_X_FORWARDED_PROTO:https HTTP_X_FORWARDED_PORT:443 HTTP_X_AMZN_TRACE_ID:Root=1-6a73968c-0c2ee4273753fbe4649bb097 Accept: image/avif,image/webp,image/apng,image/svg+xml,image/*,*/*;q=0.8 Accept-Encoding: gzip Host: rwg.r1.rpost.net User-Agent: YahooMailProxy; hxxps://help.yahoo.com/kb/yahoo-mail-proxy-SLN28749.html X-Forwarded-For: 69.147.86.139 X-Forwarded-Proto: https X-Forwarded-Port: 443 X-Amzn-Trace-Id: Root=1-6a73968c-0c2ee4273753fbe4649bb097 /LM/W3SVC/12/ROOT 256 2048 CN=rpost.com Root Cert CN=admin1.devx.rpost.info 0 CGI/1.1 on 256 2048 CN=rpost.com Root Cert CN=admin1.devx.rpost.info 12 /LM/W3SVC/12 192.168.10.112 /oatv_v2/kYHfSogaPKNezdJaS56LagSLgV9OHFRdbo2UjHHMDM0.gif 192.168.10.219 192.168.10.219 22022 GET /oatv_v2/kYHfSogaPKNezdJaS56LagSLgV9OHFRdbo2UjHHMDM0.gif image/avif,image/webp,image/apng,image/svg+xml,image/*,*/*;q=0.8 gzip rwg.r1.rpost.net YahooMailProxy; hxxps://help.yahoo.com/kb/yahoo-mail-proxy-SLN28749.html 69.147.86.139 https 443 Root=1-6a73968c-0c2ee4273753fbe4649bb097

From:postmaster#mta21.r1.rpost.net:Hello, this is the mail server on mta21.r1.rpost.net. I am sending you this message to inform you on the delivery status of a message you previously sent. Immediately below you will find a list of the affected recipients; also attached is a Delivery Status Notification (DSN) report in standard format, as well as the headers of the original message. relayed to mailer mta7.am0.yahoo.odns.net (98.136.96.75)

[IP Address: 72.152.84.142] [Time Opened: 8/5/2026 7:56:28 PM] [REMOTE_HOST: 192.168.20.92] [HTTP_HOST: rwg.r1.rpost.net] [SCRIPT_NAME: /oatv_v2/1jTl5k96f0XfbF17T19gq0AILAJyzEldhdTBODuqMDM0.gif] HTTP_ACCEPT:image/* HTTP_HOST:rwg.r1.rpost.net HTTP_USER_AGENT:Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/109.0.0.0 Safari/537.36 HTTP_X_FORWARDED_FOR:72.152.84.142 HTTP_X_FORWARDED_PROTO:https HTTP_X_FORWARDED_PORT:443 HTTP_X_AMZN_TRACE_ID:Root=1-6a73956c-37648f0927cfff60590273d6 Accept: image/* Host: rwg.r1.rpost.net User-Agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/109.0.0.0 Safari/537.36 X-Forwarded-For: 72.152.84.142 X-Forwarded-Proto: https X-Forwarded-Port: 443 X-Amzn-Trace-Id: Root=1-6a73956c-37648f0927cfff60590273d6 /LM/W3SVC/12/ROOT 256 4096 CN=ADMIN1 CN=ADMIN1 0 CGI/1.1 on 256 4096 CN=ADMIN1 CN=ADMIN1 12 /LM/W3SVC/12 192.168.20.30 /oatv_v2/1jTl5k96f0XfbF17T19gq0AILAJyzEldhdTBODuqMDM0.gif 192.168.20.92 192.168.20.92 55440 GET /oatv_v2/1jTl5k96f0XfbF17T19gq0AILAJyzEldhdTBODuqMDM0.gif image/* rwg.r1.rpost.net Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/109.0.0.0 Safari/537.36 72.152.84.142 https 443 Root=1-6a73956c-37648f0927cfff60590273d6

From:postmaster#ldcohenlaw.com:Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server: chblue#ldcohenlaw.com Subject: Registered: Zurich v. Palmetto Contract Services, Inc.

[IP Address: 72.153.231.19] [Time Opened: 8/5/2026 7:57:35 PM] [REMOTE_HOST: 192.168.10.219] [HTTP_HOST: rwg.r1.rpost.net] [SCRIPT_NAME: /oatv_v2/NYymTQKDIIR9UNQoOVdJBEN5HsSE8G9NBMZ2b7EbNDMw.gif] HTTP_ACCEPT:image/* HTTP_HOST:rwg.r1.rpost.net HTTP_USER_AGENT:Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/109.0.0.0 Safari/537.36 HTTP_X_FORWARDED_FOR:72.153.231.19 HTTP_X_FORWARDED_PROTO:https HTTP_X_FORWARDED_PORT:443 HTTP_X_AMZN_TRACE_ID:Root=1-6a7395af-2f31495178549892049225c5 Accept: image/* Host: rwg.r1.rpost.net User-Agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/109.0.0.0 Safari/537.36 X-Forwarded-For: 72.153.231.19 X-Forwarded-Proto: https X-Forwarded-Port: 443 X-Amzn-Trace-Id: Root=1-6a7395af-2f31495178549892049225c5 /LM/W3SVC/12/ROOT 256 4096 CN=ADMIN1 CN=ADMIN1 0 CGI/1.1 on 256 4096 CN=ADMIN1 CN=ADMIN1 12 /LM/W3SVC/12 192.168.20.30 /oatv_v2/NYymTQKDIIR9UNQoOVdJBEN5HsSE8G9NBMZ2b7EbNDMw.gif 192.168.10.219 192.168.10.219 50490 GET /oatv_v2/NYymTQKDIIR9UNQoOVdJBEN5HsSE8G9NBMZ2b7EbNDMw.gif image/* rwg.r1.rpost.net Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/109.0.0.0 Safari/537.36 72.153.231.19 https 443 Root=1-6a7395af-2f31495178549892049225c5

From:postmaster#ldcohenlaw.com:Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server: ldcohen#ldcohenlaw.com Subject: Registered: Zurich v. Palmetto Contract Services, Inc.

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1. An official time stamp.
2. Proof that your message was sent and to whom it was sent.
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**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Zurich American Insurance Company of Illinois,

Respondent,

v.

Palmetto Contract Services, Inc.,

Appellant.

Appellate Case No. 2025-001339

The Honorable Mikell R. Scarborough

Charleston County

Trial Court Case No. 2015CP1006684

AFFIDAVIT OF CAROLYN H. BLUE

**STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON**

PERSONALLY APPEARED BEFORE ME the undersigned, who, being duly sworn,
deposes and states:

1. I am over the age of eighteen years, am competent to testify and have personal knowledge of the matters stated herein.
2. I am an attorney licensed to practice in the State of South Carolina, SC Bar No. 68506, I am Of Counsel to Larry D. Cohen, LLC, and an attorney of record for Respondent Zurich American Insurance Company of Illinois in this appeal.
3. At all times material to this affidavit, the email address at which counsel for Appellant transmitted filings to me was carolyn.blue@ymail.com.
4. That address is a consumer email account hosted by Yahoo. Based upon the account

provider's published limitations, the account will not accept a message bearing an attachment larger than approximately twenty-five megabytes.

5. On June 15, 2026 and June 17, 2026, I received email messages from cchase@goodwynlaw.com at that address, addressed to the Court's filings address and copied to me, transmitting Appellant's Motion for Extension and Amended Motion for Extension respectively. Each bore an attachment of ordinary size.

6. I have since been provided with a copy of an electronic mail message dated June 19, 2026 at 3:50 p.m., from cchase@goodwynlaw.com, copied to me and to Larry D. Cohen, attaching a file identified as "FINAL ROA.pdf."

7. I did not receive that message.

8. On August 3, 2026, I searched my electronic mail account for that message. My search included my inbox, my spam folder, my trash folder and all other folders in the account. I searched by sender address, by subject line and by date across the period June 1, 2026 through June 30, 2026. The message does not appear in my account.

9. I have never received the Record on Appeal in this matter in any form, by any means.

10. I have never received from Appellant or Appellant's counsel any proof of service, affidavit of service or certificate of service certifying service of the Record on Appeal.

11. Prior to each of Respondent's two motions for enlargement of time in this appeal, I contacted T. Jeff Goodwyn, Jr., Esquire, counsel for Appellant, advised him of the relief Respondent intended to seek and obtained his written consent. Each motion was filed as an unopposed motion and recited that consent.

12. Mr. Goodwyn did not contact me before filing any of Appellant's motions to file out of time or for extension of time in this appeal, and did not seek Respondent's position on any of

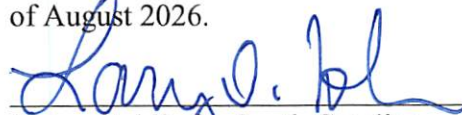
them.

13. No consent under Rule 212(b), SCACR, was sought from me by Appellant or Appellant's counsel, and I gave no such consent.

FURTHER AFFIANT SAYETH NOT.


Carolyn H. Blue, Affiant

SWORN to before me this 7th day
of August 2026.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: April 14, 2027

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Zurich American Insurance Company of Illinois,

Respondent,

v.

Palmetto Contract Services, Inc.,

Appellant.

Appellate Case No. 2025-001339

The Honorable Mikell R. Scarborough

Charleston County

Trial Court Case No. 2015CP1006684

AFFIDAVIT OF GINGER McMULLIN

**STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON**

PERSONALLY APPEARED BEFORE ME the undersigned, who, being duly sworn,
deposes and states:

1. I am over the age of eighteen years, am competent to testify and have personal knowledge of the matters stated herein.

2. I am employed by Software Solutions and Designs, Inc. as Service Manager, Technician Support. I have been employed by Software Solutions and Designs, Inc. for more than ten years. I hold the CompTIA A+ and CompTIA Network+ certifications.

3. Among my duties is the administration and support of the electronic mail system used by Larry D. Cohen, LLC. Software Solutions and Designs, Inc. has managed that system for at least the last three years.

4. Larry D. Cohen, LLC receives electronic mail through Microsoft 365 Exchange Online. I have administrative access to that system and to its configuration settings.

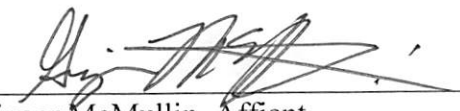
5. That system is configured to reject any inbound message exceeding thirty-five megabytes in total size. That limitation is a setting configured by Microsoft Office 365.

6. That limitation was in effect on June 19, 2026 and has been continuously in effect since at least the last 12 months.

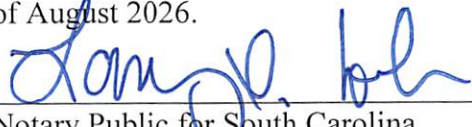
7. The thirty-five megabyte limitation is measured against the total size of the message as transmitted, including its headers, its body and its attachments after encoding. Attachments are encoded for transmission in a manner that increases their size by approximately one third. A file of approximately 168 megabytes would therefore produce a message substantially larger than 168 megabytes, and in any event far in excess of thirty-five megabytes.

8. An email message carrying an attachment of approximately 168 megabytes, addressed to ldcohen@ldcohenlaw.com, would not have been accepted by that system and would not have been delivered to the recipient's mailbox.

FURTHER AFFIANT SAYETH NOT.


Ginger McMullin, Affiant

SWORN to before me this 7th day
of August 2026.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: April 14, 2027

RECEIVED

Aug 07 2026

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

**Zurich American Insurance Company of Illinois,
Respondent,**

v.

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

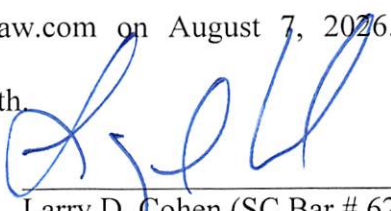
Appellate Case No. 2025-001339

**The Honorable Mikell R. Scarborough
Charleston County
Trial Court Case No. 2015CP1006684**

PROOF OF SERVICE

I certify that I have served Respondent's Motion to Dismiss Appeal and, in the Alternative, Motion for Enlargement of Time to Serve and File Respondent's Final Brief, and Supporting Memorandum, together with the Affidavits of Larry D. Cohen, Carolyn H. Blue and Ginger McMullin, and this Proof of Service, upon Thomas Jefferson Goodwyn, Jr., Esquire, Goodwyn Law Firm, LLC, 2309 Devine Street, Columbia, South Carolina 29205, by depositing copies of the same in the United States Mail, postage prepaid, on August 7, 2026, and by electronic mail to jgoodwyn@goodwynlaw.com on August 7, 2026. A copy of the sent electronic mail message is enclosed herewith.

August 7, 2026



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+Member SC & Florida Bars
▼ TX- inactive ● FLA-inactive

Ldcohen@Ldcohenlaw.com

August 7, 2026

***VIA USPS PRIORITY MAIL
and Electronic Mail***

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

**Re: Zurich American Insurance Company of Illinois, Respondent
v.
Palmetto Contract Services, Inc., Appellant
Appellate Case No. 2025-001339**

Dear Ms. Kitchings:

Enclosed, please find our Check No. 57208, in the amount of \$50.00 for the motion fee, an original and one copy of the following documents filed on behalf of our client, Respondent Zurich American Insurance Company of Illinois:

1. Respondent's Motion to Dismiss Appeal and, in the Alternative, Motion for Enlargement of Time to Serve and File Respondent's Final Brief, and Supporting Memorandum;
2. Affidavits of Larry D. Cohen, Carolyn H. Blue and Ginger McMullin;
3. Proof of Service; and
4. Copy of transmittal email to the Court and opposing counsel.

Please return to me a receipt for the motion fee in the enclosed self-addressed stamped envelope provided.

Letter to The Honorable Jenny Abbott Kitchings

August 7, 2026

Page 2 of 2

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,



Larry D. Cohen

LDC/jmr
enclosures

cc: T. Jeff Goodwyn, Esq.
Goodwyn Law Firm, LLC
2309 Devine St.
Columbia, SC 29205
w/enclosures
jgoodwyn@goodwynlaw.com
via email and U.S. Mail