The Supreme Court of South Carolina

Great American Insurance Company of New York, Great American Alliance Insurance Company, Great American Assurance Company, Intervenor Plaintiffs,

v.

J M Smith Corporation, Defendant.

J M Smith Corporation, Cross Claimant/Counter Claimant,

v.

Great American Insurance Company of New York, Great American Alliance Insurance Company, and Great American Assurance Company, Great American Insurance Company, North American Specialty Insurance Company, Westport Insurance Corporation, Cross Defendants/Counter Defendants.

Westport Insurance Corporation, North American Specialty Insurance Company, Cross Claimants,

v.

J M Smith Corporation, Cross Defendant.

Appellate Case No. 2026-002261

ORDER

Pursuant to Rule 244 of the South Carolina Appellate Court Rules (SCACR), the Court will answer the following question certified to this Court by order of the

Honorable Jacquelyn D. Austin, United States District Court Judge for the District of South Carolina, Spartanburg Division:

> Does the phrase "those sums . . . the 'Insured' becomes legally obligated to pay by reason of liability imposed by law . . . because of 'bodily injury'" in the applicable commercial insurance policies unambiguously encompass only compensation for bodily injuries to specific, identifiable individuals?

The parties shall proceed to serve and file briefs as provided by Rule 244(e), SCACR. Rule 244 does not provide for the filing of initial briefs; therefore, only final briefs should be filed in this matter.

John K. Ittedge C.J.
FOR THE COURT

Columbia, South Carolina
November 5, 2026

cc:
Bradford William Cranshaw
Joshua Tate Thompson
Joshua Abraham Boggioni
John N. Ellison
Adam H. Fleischer
Timothy P. Law
Perry D. Boulier
The Honorable Jacquelyn Denise Austin