

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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MAY 06 2014

APPEAL FROM ABBEVILLE COUNTY
Court of Common Pleas

SC Court of Appeals

Eugene C. Griffith, Jr., Circuit Court Judge

72117

Case No. 2012-CP-01-306

Richard Wilson, Respondent,

v.

LAURA B. WILLIS and JESSE A. DANTICE, individually,
and as agents and/or brokers for Southern Risk Insurance
Services LLC, Travelers Casualty Insurance Company of
America, Allied Property and Casualty Insurance Company,
Peerless Insurance Company, Montgomery Mutual Insurance
Company, Safeco Insurance Company of America, and
Foremost Insurance Company, SOUTHERN RISK
INSURANCE SERVICES, LLC, TRAVELERS
CASUALTY INSURANCE COMPANY OF AMERICA,
ALLIED PROPERTY AND CASUALTY INSURANCE
COMPANY, PEERLESS INSURANCE COMPANY,
MONTGOMERY MUTUAL INSURANCE COMPANY,
SAFECO INSURANCE COMPANY OF AMERICA, AND
FOREMOST INSURANCE COMPANY, Defendants,

Of Whom Peerless Insurance Company, Montgomery
Mutual Insurance Company, and Safeco Insurance Company
of America are, Appellants.

CONSENT MOTION TO CONSOLIDATE APPEALS

Pursuant to Rule 214 and 240, SCACR, Appellants Peerless Insurance Company,
Montgomery Mutual Insurance Company, and Safeco Insurance Company of America
hereby move this Court for an Order consolidating this appeal with similar and

simultaneously filed appeals on April 25, 2014, bearing the below Plaintiff names and lower court civil action numbers:

- 1 Lewis S. Williams v. Laura B. Willis, et al.
Civil Action No.: 2012-CP-01-340
- 2 Johnny and Sallie Calhoun v. Laura B. Willis, et al.
Civil Action No.: 2012-CP-01-341
- 3 Robert W. Spires v. Laura B. Willis, et al.
Civil Action No.: 2012-CP-01-342
- 4 Crystal Spires Wiley v. Laura B. Willis, et al.
Civil Action No.: 2012-CP-01-343
- 5 Prescott Darren Bosler v. Laura B. Willis, et al.
Civil Action No. 2013-01-CP-044
- 6 Benjamin F. Wofford, Jr. and Rebecca H. Wofford v. Laura B. Willis, et al.
Civil Action No. 2013-CP-01-00045
- 7 Robert Wayne Gary and Cynthia Gary v. Laura B. Willis, et al.
Civil Action No. 2013-CP-01-00066
- 8 Janie Wiltshire v. Laura B. Willis, et al.
Civil Action No. 2013-CP-01-073
- 9 James Robert Shirley v. Laura B. Willis, et al.
Civil Action No. 2013-CP-01-094
- 10 Marsha L. Antoniak, and Michael J. Antoniak, Jr. v. Laura B. Willis, et al.
Civil Action No. 2013-CP-01-123
- 11 Eugene P. Lawton, Jr. v. Laura B. Willis, et al.
Civil Action No. 2013-CP-01-124
- 12 Anita L. Belton vs. Laura B. Willis, et al.
Civil Action No. 2013-CP-01-220
- 13 Jeanette Norman v. Laura B. Willis, et al.
Civil Action No. 2013-CP-01-221

Counsel for the opposing parties in the appeals to be consolidated have been consulted and consent to this motion. *See* attached consent. The grounds for this Motion are that all of these appeals arise from the same orders and raise similar issues. The Motions to Compel Arbitration in these 14 Abbeville County actions were heard by the Honorable Eugene C. Griffin, Jr. on January 21, 2014, and he denied the Motions in a single Order dated March 21, 2014. Appellants subsequently filed Motions for Reconsideration, which Judge Griffin denied in a single order dated April 17, 2014.

For the foregoing reasons, Appellants Peerless Insurance Company, Montgomery Mutual Insurance Company, and Safeco Insurance Company of America, respectfully request that the above-referenced appeals be consolidated with this appeal (*i.e.*, the “Wilson” case). Harleystown further requests that the current appellate deadlines be held in abeyance until this Court issues an Order on this motion. Should the Court require that individual Motions to Consolidate be filed for each individual appellate case, the Appellants will comply with the Court’s direction and order.

[SIGNATURE PAGE ATTACHED]

NELSON MULLINS RILEY & SCARBOROUGH, LLP

By:  _____

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Attorneys for Defendants Peerless Insurance Company,
Montgomery Mutual Insurance Company, and Safeco
Insurance Company of America

Columbia, South Carolina
May 6, 2014

Attachment

Lisa Whitehurst

Subject: FW: Wilson v. Willis et al. -- Appeals

From: Tommy Hite [mailto:tommyhite@hotmail.com]

Sent: Tuesday, May 06, 2014 2:16 PM

To: Bill Wood

Cc: Mitch Brown; Bob Calamari

Subject: Re: Wilson v. Willis et al. -- Appeals

Yes

Sent from my iPhone

On May 6, 2014, at 10:04 AM, "Bill Wood" <bill.wood@nelsonmullins.com> wrote:

Tommy:

We will be moving to consolidate the 14 appeals of the trial court's orders refusing to compel arbitration to cut down on the paperwork and time. The motion will be filed in the *Wilson vs. Willis, et al.* appeal (case no. 2012-CP-01-306), and will seek the consolidate the following additional appeals:

1. Lewis S. Williams v. Laura B. Willis, et al.
Civil Action No.: 2012-CP-01-340
2. Johnny and Sallie Calhoun v. Laura B. Willis, et al.
Civil Action No.: 2012-CP-01-341
3. Robert W. Spires v. Laura B. Willis, et al.
Civil Action No.: 2012-CP-01-342
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Civil Action No.: 2012-CP-01-343
5. Prescott Darren Bosler v. Laura B. Willis, et al.
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Civil Action No. 2013-CP-01-124
12. Anita L. Belton vs. Laura B. Willis, et al.
Civil Action No. 2013-CP-01-220
13. Jeanette Norman v. Laura B. Willis, et al.
Civil Action No. 2013-CP-01-221

Will you consent to consolidation?

Bill Wood

Nelson Mullins

William C. Wood, Jr.

Attorney at Law

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[\(View Bio\)](#)

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ABBEVILLE COUNTY
Court of Common Pleas

Eugene C. Griffith, Jr., Circuit Court Judge

Case No. 2012-CP-01-00306

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SC Court of Appeals

Richard Wilson,..... Respondent,

v.

LAURA B. WILLIS and JESSE A. DANTICE,
individually, and as agents and/or brokers for Southern
Risk Insurance Services LLC, Travelers Casualty
Insurance Company of America, Allied Property and
Casualty Insurance Company, Peerless Insurance
Company, Montgomery Mutual Insurance Company,
Safeco Insurance Company of America, and Foremost
Insurance Company, SOUTHERN RISK INSURANCE
SERVICES, LLC, TRAVELERS CASUALTY
INSURANCE COMPANY OF AMERICA, ALLIED
PROPERTY AND CASUALTY INSURANCE
COMPANY, PEERLESS INSURANCE COMPANY,
MONTGOMERY MUTUAL INSURANCE
COMPANY, SAFECO INSURANCE COMPANY OF
AMERICA, AND FOREMOST INSURANCE
COMPANY,.....

Defendants,

Of Whom Peerless Insurance Company, Montgomery
Mutual Insurance Company, and Safeco Insurance
Company of America are,

Appellants.

PROOF OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Montgomery Mutual Insurance Company, Peerless Insurance Company, and Safeco Insurance Company of America, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

Consent Motion to Consolidate Appeals

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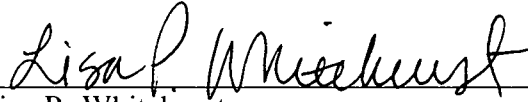
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Lisa P. Whitehurst
Administrative Assistant

May 6, 2014

Nelson Mullins

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May 6, 2014

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
1015 Sumter Street - 5th Floor
Columbia, SC 29201

RE: Richard W. Wilson v. Laura B. Willis, and Jesse A. Dantice, et al.
Civil Action No. 2012-CP-01-306

Lewis S. Williams v. Laura B. Willis, et al.
Civil Action No.: 2012-CP-01-340

Johnny and Sallie Calhoun v. Laura B. Willis, et al.
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Eugene P. Lawton, Jr. v. Laura B. Willis, et al.
Civil Action No. 2013-CP-01-124

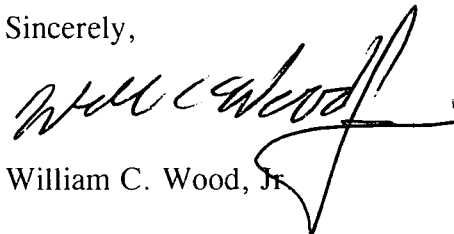
Anita L. Belton vs. Laura B. Willis, et al.
Civil Action No. 2013-CP-01-220

Jeanette Norman v. Laura B. Willis, et al.
Civil Action No. 2013-CP-01-221

Dear Ms. Kitchings:

Enclosed please find the original and seven copies of a Consent Motion to Consolidate Appeals in regard to the above-referenced matters. We would ask that you file the original and return a clocked-in copy to us in the envelope provided for your convenience. Also enclosed is our check in the amount of \$25.00 as the required filing fee.

Sincerely,



William C. Wood, Jr

WCWJR:lpw
Enclosures

cc: Thomas E. Hite, Jr., Esquire
William H. Nicholson III, Esquire
Mason A. Goldsmith, Esquire
Elizabeth M. McMillan, Esquire
Jeffrey C. Kull, Esquire
D. Larry Kristinik, Esquire
Jane Hawthorne Merrill, Esquire
James C. ("Trey") Cox, III, Esquire
Jeffrey A. Lehrer, Esquire