

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
J.C. Nicholson, Jr., Circuit Court Judge

Appellate Case No. 2013-0013816577

Centennial Casualty Co., Inc. Respondent

v.

Western Surety Co., d/b/a CNA Surety Appellant

Western Surety Co., d/b/a CNA Surety Defendant/Third-Party Plaintiff

v.

Charleston Auto Auction, A3 Auto Center, LLC, and
Wylie Mickle, Third-Party Defendants

**RETURN TO PETITION FOR REHEARING BY
WESTERN SURETY CO., D/B/A CNA SURETY**

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SC Court of Appeals

The Appellant, Western Surety Company, d/b/a CNA Surety files this return in accordance with Rule 240 and 221 of the SCACR.

FACTUAL AND PROCEDURAL BACKGROUND

This action involves a claim on a bond issued pursuant to the licensing statute for motor vehicles, S.C. Code §56-13-320. The Circuit Court entered an order in favor of Petitioner March 4, 2013. This order was timely appealed based on numerous grounds as set forth in the briefing below. The Appellate Court on May 21, 2014, reversed the Circuit Court order and held that the Petitioner did not qualify as a “legal representative” under the terms of the statute.

ARGUMENT I

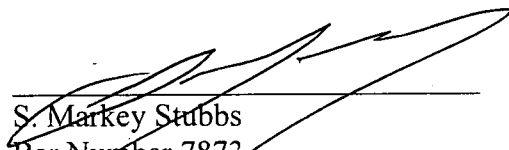
Pursuant to Rule 221, the parties are required to state with particularity the points supposed to have been overlooked or misapprehended by the Court. In this action, the Petitioner does not state any point overlooked or misapprehended but argues again the matters previously briefed and argued. The petition for rehearing provides no guidance, case law, or anything else that would disturb the findings of the Appellate Court. The Appellate Court by Order of May 21, 2014 correctly found that the document relied on by Petitioner was solely to facilitate the transaction through the auction and did not make the insurance company or Auction House a legal representative as contemplated by the statute. The primary rule of statutory construction is to ascertain and give effect to the intent of the legislature. Gilstrat v. SC Budget and Control Board, 310 S.C. 210, 423 S.E.2d 101 (1992).

ARGUMENT II

The Court correctly found that §56-15-520 SCRCF prevents the Auction House from being considered an owner simply by a vehicle being transferred at the Auction House.

CONCLUSION

The arguments raised by Petitioner are the same as the arguments already raised and addressed by the Court. For the reasons set forth in the Order of the Court of Appeals as well as the additional sustaining grounds asserted by Appellant below, the Petition for Rehearing should be denied.



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PROOF OF SERVICE

I, S. Markey Stubbs, attorney for Appellant Western Surety Co., d/b/a CNA Surety, do hereby certify that I have this 3rd day of June, 2014 served counsel of record with the Record On Appeal by mailing said copies by United States Mail, first class postage pre-paid, to said counsel at the following addresses:

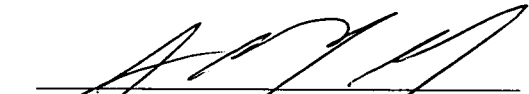
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SC Court of Appeals



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June 3rd, 2014