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THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

OCT 22 2007

S.C. SUPREME COURT

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

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B. Hicks Harwell, Jr., Circuit Court Judge

OCT 19 2007

Case No. 2002-CP-10-4390

SC Court of Appeals

Auto-Owners Insurance Co., Inc. Appellant,

v.

Virginia T. Newman and Trinity Construction, Inc. Respondents.

**APPELLANT'S STATEMENT
IN RESPONSE TO
AMICUS CURIAE BRIEF OF
NATIONAL ASSOCIATION OF HOME BUILDERS
AND HOME BUILDERS ASSOCIATION OF SOUTH CAROLINA**

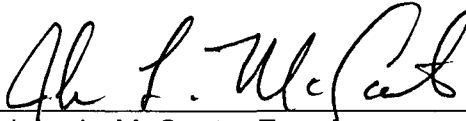
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Appellant's Statement in Response to Amicus Curiae Brief of the National Association of Home Builders and Home Builders Association of South Carolina

Appellant, by and through the undersigned counsel, hereby submits this statement in reply to the Amicus Curiae Brief of the National Association of Home Builders and the Home Builders Association of South Carolina (together "Amicus Petitioner Home Builders"). Amicus Petitioner Home Builders submitted an amicus curiae brief in L-J, Inc. v. Bituminous Fire and Marine Insurance Company, 366 S.C. 117, 621 S.E.2d 33 (2005). Amicus Petitioner Home Builders basically made the same arguments for coverage as it did in the present appeal. In L-J, Inc., the Supreme Court held there was no coverage under the Commercial General Liability policy for the damaged (road) property constructed by a general contractor using subcontractors. Appellant craves reference to its prior briefs because Appellant believes the arguments have been addressed therein.

RESPECTFULLY SUBMITTED



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October 19, 2007
Columbia, South Carolina

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CERTIFICATE OF SERVICE

I, Susan S. Heimbigner, an employee of the law firm of Ellis, Lawhorne & Sims, P.A., do hereby certify that I served three (3) copies of the Appellant's Statement in Response to Amicus Curiae Brief of National Association of Home Builders and Home Builders Association of South Carolina this the 19th day of October 2007 upon all counsel of record by depositing same in the U.S. Mail, postage prepaid and addressed as follows:

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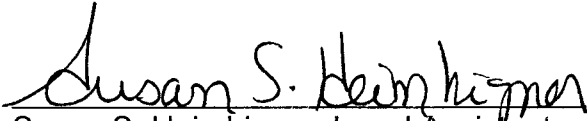
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