

IN THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

J C. Nicholson, Jr , Circuit Court Judge

Opinion No. 5231 (S C. Ct. App filed May 21, 2014)

Centennial Casualty Co , Inc Petitioner

v

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

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

v

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

REPLY IN SUPPORT OF PETITION FOR A WRIT OF CERTIORARI

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SC Court of Appeals

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ARGUMENT

A core issue in this Petition is whether the Court of Appeals may create new law in contradiction of the Legislature's clear statutory language. The Dealer Bond Statute states that "an owner of a motor vehicle, or his legal representative" may make a claim on the bond at issue. S.C. Code § 56-15-320(B) (2009). This Court has ruled that:

When § 56-15-320 is read in its entirety, it is clear the legislature intended to provide only the owner of a motor vehicle, **or the owner's legal representative**, with a cause of action against the surety on a bond issued pursuant to that statute

Mid-State Auto Auction v. Altman, 324 S.C. 65, 69, 476 S.E.2d 690, 692 (1996) (emphasis added)

In contradiction of this bright-line rule, the Court of Appeals created an exception only a legal representative who "stands in the shoes" of an owner may make a claim on the bond. No citation for this new law is provided, nor is a definition of "standing in the shoes" articulated. The Court of Appeals then concluded, in contradiction of the overwhelming evidence, that the Petitioner did not "stand in the shoes" of an appropriate person.

"When a statute's terms are clear and unambiguous on their face, there is no room for statutory construction and a court must apply the statute according to its literal meaning." *Anderson v. S. Carolina Election Comm'n*, 397 S.C. 551, 556-57, 725 S.E.2d 704, 707 (2012). Petitioner respectfully submits that the Court of Appeals has violated the canons of statutory construction, and requests that the Court grant the Petition to hear this action.

CONCLUSION

For the reasons stated, petitioner asks the Court to grant the petition for a writ of certiorari

Respectfully submitted,

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Charleston, South Carolina
August 13, 2014

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PROOF OF SERVICE

I, Ian S. Ford, attorney for Petitioner Centennial Casualty Co., Inc do hereby certify that I have on this 13th day of August, 2014, served all counsel of record with copies of Reply in Support of Petition for a Writ of Certiorari by Petitioner Centennial Casualty Co. and Proof of Service by mailing copies by United States Mail, first class postage pre-paid, to counsel at the following address:

APPELLANT'S COUNSEL OF RECORD

S. Markey Stubbs, Esq
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And

The Honorable Jenny Abbott Kitchings
Clerk of Court
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August 13, 2014

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Re: *Centennial Casualty Co., Inc vs Western Surety Co , d/b/a/ CAN Surety vs Charleston Auto Auction, A3 Auto Center, LLC and Wylie Mickle*
Opinion No 5231 (S C Ct. App Filed May 21, 2014)
Appellate Case No 2013-0013816577
FWT File No.: 0066

Dear Mr Shearouse:

Please find enclosed for filing the original and six copies of the Reply in Support of Petition for Writ of Certiorari and my Proof of Service for the same

Thank you in advance for your assistance with this matter. Should you have any questions or concerns, please do not hesitate to contact me

With kind regards, I am,

Very truly yours,



Ian S. Ford

ISF/smb
Enclosures as stated

cc S Markey Stubbs, Esq.
SC Court of Appeals

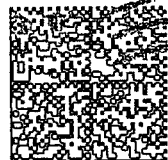
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