

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
Appellate Case No. 2014-00946

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JUN 17 2014
SC COURT OF APPEALS

Richard Wilson, Michael J. Antoniak, Jr., Marsha L. Antoniak,
Anita L. Belton, Prescott Darren Bosler, Johnny Calhoun, Sallie
Calhoun, Cynthia Gary, Robert Wayne Gary, Eugene P. Lawton,
Jr., Jeanette Norman, James Robert Shirley, Robert W. Spires,
Crystal Spires Wiley, Lewis S. Williams, Janie Wiltshire, Benjamin
Franklin Wofford, Jr., and Rebecca Hammond Wofford,..... Respondents,

v.

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

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

**APPELLANTS' DESIGNATION OF MATTER
FOR THE RECORD ON APPEAL**

Pursuant to Rule 209, SCACR, Appellants Peerless Insurance Company,
Montgomery Mutual Insurance Company, and Safeco Insurance Company of America
(collectively "the Insurers") submit their designations of matter for inclusion in the record
on appeal. These designations are in addition to the matters designated by opposing

counsel in the Respondents' Designation of Matter. Undersigned counsel certifies, pursuant to Rule 209(c), SCACR, that this designation contains no matter which is irrelevant to the appeal:

ORDERS

1. Order Denying the Insurers' Motion to Compel Arbitration. Filed March 25, 2014 and applicable to Civil Action Nos. 2012-CP-01-306, 2012-CP-01-340, 2012-CP-01-341, 2012-CP-01-342, 2012-CP-01-343, 2013-CP-01-044, 2013-CP-01-045, 2013-CP-01-066, 2013-CP-01-073, 2013-CP-01-094, 2013-CP-01-123, 2013-CP-01-124, 2013-CP-01-220, and 2013-CP-01-221.
2. Order Denying the Insurers' Motion for Reconsideration. Filed April 21, 2014 and applicable to Civil Action Nos. 2012-CP-01-306, 2012-CP-01-340, 2012-CP-01-341, 2012-CP-01-342, 2012-CP-01-343, 2013-CP-01-044, 2013-CP-01-045, 2013-CP-01-066, 2013-CP-01-073, 2013-CP-01-094, 2013-CP-01-123, 2013-CP-01-124, 2013-CP-01-220, and 2013-CP-01-221.

PLEADINGS

3. Summons and Complaint filed February 22, 2013 in *Gary v. Willis et al.* (No. 2013-CP-01-066).
4. Summons and Complaint filed February 12, 2013 in *Wofford v. Willis et al.* (No. 2012-CP-01-045).
5. Summons and Complaint filed November 1, 2012 in *Wilson v. Willis et al.* (No. 2012-CP-01-306).
6. Summons and Complaint filed December 13, 2012 in *Spires v. Willis et al.* (No. 2012-CP-01-342).
7. Second Amended Complaint filed February 22, 2013 in *Wiley v. Willis et al.* (No. 2012-CP-01-343).
8. Second Amended Complaint filed February 22, 2013 in *Williams v. Willis et al.* (No. 2012-CP-01-340).
9. Second Amended Complaint filed February 22, 2013 in *Calhoun v. Willis et al.* (No. 2012-CP-01-341).
10. Summons and Complaint filed February 14, 2013 in *Bosler v. Willis et al.* (No. 2013-CP-01-44).

11. Summons and Complaint filed February 27, 2013 in *Wiltshire v. Willis et al.* (No. 2013-CP-01-073).
12. Summons and Complaint filed April 18, 2013 in *Antoniak v. Willis et al.* (No. 2013-CP-01-123).
13. Summons and Complaint filed April 18, 2013 in *Lawton v. Willis et al.* (No. 2013-CP-01-124).
14. Summons and Complaint filed July 25, 2013 in *Belton v. Willis et al.* (No. 2013-CP-01-220).
15. Summons and Complaint filed July 25, 2013 in *Norman v. Willis et al.* (No. 2013-CP-01-221).
16. Amended Summons and Complaint filed August 28, 2013 in *Shirley v. Willis et al.* (No. 2013-CP-01-094).
17. The Insurers' Answer filed March 18, 2013 in *Wilson v. Willis et al.* (No. 2012-CP-01-306).¹
18. The Insurers' Answer filed October 9, 2013 in *Norman v. Willis et al.* (No. 2013-CP-01-221).²

TRANSCRIPTS

19. Transcript of Hearing on Motions to Compel Arbitration, January 1, 2014.

EXHIBITS

20. Exhibit A to the Insurers' Motions to Compel Arbitration: the August 15, 2007 Agency Agreement between Montgomery and Assure Alliance.
21. Exhibit B to the Insurers' Motions to Compel Arbitration: the April 1, 2010 Agency Agreement between Montgomery, Safeco, and Southern Risk.

¹ In the one other lawsuit brought by one of Ms. Willis' local competitors, the Insurers filed a substantially identical Answer. In an effort to avoid redundant designations, the Insurers have designated only one of the Answers as an exemplar.

² In the other 12 lawsuits brought by Ms. Willis' customers, the Insurers filed a substantially identical Answer. In an effort to avoid redundant designations, the Insurers have designated only one of the Answers as an exemplar.

22. Exhibit C to the Insurers' Reply in Support of the Motions to Compel Arbitration: S.C. Secretary of State online corporate database search results for "South Carolina Agent Network" and "Assure Alliance."
23. Exhibit D to the Insurers' Reply in Support of the Motions to Compel Arbitration: the December 1, 2003 master Agency Agreement between Montgomery and the South Carolina Agent Network.
24. Exhibit E to the Insurers' Reply in Support of the Motions to Compel Arbitration: the December 15, 2006 Agency Agreement between Safeco and the South Carolina Agent Network.
25. Exhibit F to the Insurers' Reply in Support of the Motions to Compel Arbitration: S.C. Secretary of State online corporate database search results for "Southern Risk."
26. Exhibit G to the Insurers' Reply in Support of the Motions to Compel Arbitration: S.C. Dept. of Ins. online database search results for "Southern Risk."
27. Exhibit H to the Insurers' Reply in Support of the Motions to Compel Arbitration: S.C. Dept. of Ins. online database search results for "Dantice."
28. Exhibit I to the Insurers' Reply in Support of the Motions to Compel Arbitration: the September 13, 2007 Agency Agreement between Safeco and Assure Alliance.
29. Exhibit J to the Insurers' Reply in Support of the Motions to Compel Arbitration: the March 14, 2007 Limited Agency Agreement between Safeco and Southern Risk Insurance Services, LLC.
30. Exhibit K to the Insurers' Reply in Support of the Motions to Compel Arbitration: Affidavit of James E Berry, dated February 7, 2014, and the exhibits thereto.

MISCELLANEOUS AND MOTIONS

31. The Insurers' Motion for Judgment Regarding the Claims for Civil Conspiracy and Unfair Trade Practices. Filed January 22, 2013 in *Wilson v. Willis et al.* (No. 2012-CP-01-306).
32. The Insurers' Motion for Judgment on the Pleadings on the Claim for Common Law Unfair Trade Practices. Filed June 28, 2013 in *Wilson v. Willis et al.* (No. 2012-CP-01-306).

33. Letter from the Insurers' counsel to the Honorable Frank R. Addy, Jr., withdrawing the Insurers' prior Motions for Judgment on the Claims for Civil Conspiracy, Unfair Trade Practices, and Common Law Unfair Trade Practices. Mailed November 6, 2013 in *Wilson v. Willis et al.* (No. 2012-CP-01-306).
34. The Insurers' Motion to Compel Arbitration. Filed October 31, 2013 in *Norman v. Willis et al.* (No. 2013-CP-01-221).³
35. The Insurers' Motion to Compel Arbitration. Filed October 31, 2013 in *Wilson v. Willis et al.* (No. 2012-CP-01-306).⁴
36. Plaintiffs' Memorandum in Opposition to the Insurers' Motion to Compel Arbitration. Filed January 21, 2014 and applicable to Civil Action Nos. 2012-CP-01-340, 2012-CP-01-341, 2012-CP-01-342, 2012-CP-01-343, 2013-CP-01-044, 2013-CP-01-045, 2013-CP-01-066, 2013-CP-01-073, 2013-CP-01-123, 2013-CP-01-124, 2013-CP-01-220, and 2013-CP-01-221.
37. Plaintiffs Richard Wilson and Robert Shirley's Memorandum in Opposition to the Insurers' Motion to Compel Arbitration. Filed January 21, 2014 and applicable to Civil Action Nos. 2012-CP-01-306 and 2013-CP-01-094.
38. The Insurers' Reply in Support of the Motion to Compel Arbitration. Filed February 11, 2014 in *Wilson v. Willis et al.* (No. 2012-CP-01-306).⁵
39. Letter from Plaintiffs' counsel to the Honorable Eugene C. Griffith, Jr., enclosing Proposed Order Denying the Insurers' Motions to Compel Arbitration. Mailed February 17, 2014.
40. Letter from the Insurers' counsel to the Honorable Eugene C. Griffith, Jr., submitting comments and objections regarding the plaintiffs' Proposed Order

³ In each of the lawsuits alleging wrongdoing by Willis that occurred in or after 2010, the Insurers filed a Motion to Compel Arbitration that was identical to this one save for the caption, references to the specific Plaintiff's name, and a three- to five-sentence summary of the factual allegations in that particular lawsuit. In an effort to avoid redundant designations, the Insurers have designated only two of the Motions as exemplars.


⁴ In each of the lawsuits alleging pre-2010 wrongdoing by Willis, the Insurers filed a Motion to Compel Arbitration that was identical to this one save for the caption, references to the specific Plaintiff's name, and a three- to five-sentence summary of the factual allegations in that particular lawsuit. In an effort to avoid redundant designations, the Insurers have designated only two of the Motions as exemplars.

⁵ The Insurers filed an identical Reply (save for the caption) in each of the other 13 lawsuits being appealed. In an effort to avoid redundant designations, the Insurers have designated only one Reply as an exemplar.

Denying the Insurers' Motions to Compel Arbitration. Mailed February 21, 2014.

41. The Insurers' Motion to Alter or Amend the Order Denying the Motion to Compel Arbitration. Filed April 8, 2014 in *Wilson v. Willis et al.* (No. 2012-CP-01-306).⁶

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Attorneys for Appellants Peerless Insurance Company,
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Insurance Company of America.

August 18 2014
Columbia, South Carolina

⁶ The Insurers filed an identical Motion to Alter or Amend (save for the caption) in each of the other 13 lawsuits being appealed. In an effort to avoid redundant designations, the Insurers have designated only one of these motions as an exemplar.

THE STATE OF SOUTH CAROLINA
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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.

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AUG 18 2014
SC Court of Appeals

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:

Appellants' Designation of Matter for the Record on Appeal

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August 18, 2014