



The South Carolina Court of Appeals

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November 12, 2014

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Re: James Plemmons v. State Farm Mutual
Appellate Case No. 2013-001454

Dear Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,


CLERK

cc: The Honorable J. Mark Hayes, II

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

James Luther Plemmons and Wanda Sue Clark
Plemmons, Appellants,

v.

State Farm Mutual Automobile Insurance Company,
Plaza Insurance Company, The Stover Company, Inc.,
and Howard E. Newton, III, Defendants,

Of Whom State Farm Mutual Automobile Insurance
Company is the Respondent.

Appellate Case No. 2013-001454

Appeal From Spartanburg County
J. Mark Hayes, II, Circuit Court Judge

Unpublished Opinion No. 2014-UP-389
Heard October 14, 2014 – Filed November 12, 2014

AFFIRMED

Duane Alan Lazenby and Ginger D. Goforth, both of
Lazenby Law Firm, LLC, and Andrew J. Johnston, of
Johnston Law Firm, LLC, all of Spartanburg, for
Appellants.

Charles R. Norris, of Nelson Mullins Riley &
Scarborough, LLP, of Charleston, for Respondent.

PER CURIAM: James Luther Plemmons and Wanda Sue Clark Plemmons appeal the circuit court's grant of State Farm Automobile Insurance Company's motion for summary judgment. We affirm pursuant to Rule 220(b), SCACR, and the following authorities: Rule 56(c), SCRCP (instructing that summary judgment should be granted when there are no genuine issues of material fact and the moving party is entitled to judgment as a matter of law); *Hite v. Hartford Acc. & Indem. Co.*, 288 S.C. 616, 619, 344 S.E.2d 173, 175 (Ct. App. 1986) ("Although 'use' is unquestionably a broader term than 'operate' or 'drive,' the difficult determination is whether [the] situation of an injury sustained remote to the actual operation of the vehicle is encompassed by the term 'use.'"); *id.* at 621, 344 S.E.2d at 176 ("If the injury was directly caused by some independent or intervening cause wholly disassociated from, independent of or remote from the use of the automobile, the injury cannot be said to arise out of its 'use.'"); *id.* at 621, 344 S.E.2d at 177 ("[T]he key to determining whether injuries remote to the operation of an automobile occur during a 'use' of the vehicle is the existence of a causal connection between the injury and the use.").

AFFIRMED.

HUFF, SHORT, and KONDUROS, JJ., concur.