

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM PICKENS COUNTY
Court of Common Pleas

The Honorable Doyet A. Early, III

2012-CP-39-01554
Appellate Case No. 2014-000642

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FEB 10 2015

S.C. Supreme Court

Julie Freeman Hair,

Appellant-Respondent,

v.

J.L.H. Investments, LP, aka Hendrick Honda of Easley,

Respondent-Appellant.

**MOTION FOR LEAVE TO FILE AN AMICUS CURIAE BRIEF
OF INDEPENDENT INSURANCE AGENTS AND BROKERS OF SOUTH
CAROLINA, INC.**

Pursuant to Rule 213, SCACR, the Independent Insurance Agents and Brokers of South Carolina, Inc. ("IIABSC") moves this Court for leave to submit an amicus curiae brief in this matter. Pursuant to Rule 213, the proposed brief is conditionally filed together with this motion.

Rule 213 provides that an applicant may move for leave to file a brief as amicus curiae before this Court. In making this motion, the applicant "shall identify the interest

of the applicant and shall state the reasons why a brief of an amicus curiae is desirable.”
See also Jean Hofer Toal *et al.*, *Appellate Practice in South Carolina* 218 (2d ed. 2002).

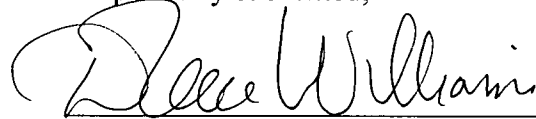
IIABSC is the oldest and largest association of property and casualty insurance agents in South Carolina. Founded in 1899, IIABSC represents over 425 independent insurance agencies. These agencies employ over 2,700 people throughout South Carolina. Most of these agencies are locally-owned and operated. Not only do they have a significant impact on the state’s economy, independent insurance producers have a very important role in the overall insurance marketplace. IIABSC member agencies write 70% of the commercial lines business and 30% of the personal lines business in a marketplace that generates over \$7 billion in annual premiums. Independent insurance agents offer customers a choice of policies from a variety of insurance companies across all lines of insurance: property, casualty, life, and health.

IIABSC has caused the review of the briefs filed in this case. From that review, it appears the trial court allowed a jury to consider liability in the case of a registered and disclosed fee that was authorized by statute, was filed with and certified by the South Carolina Department of Consumer Affairs (“the Department”), and was in compliance with the administrative guidance issued by the Department. In addition, the trial court refused to apply the filed rate doctrine or to consider the defenses provided by the South Carolina Consumer Protection Code.

These failures trouble IIABSC because the South Carolina Insurance Code and the South Carolina Department of Insurance (“SCDOI”) allow similar fees to be charged in connection with the issuance of insurance policies. IIABSC members charge fees in accordance with and in reliance on these provisions and SCDOI guidance. An opinion

upholding these rulings by the trial court could give rise to litigation and uncertainty for IIABSC members that charge these fees. For this reason, IIABSC seeks leave to file the attached conditionally filed brief.

Respectfully submitted,



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Carolina, Inc.

February 10, 2015

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CERTIFICATE OF SERVICE

I do hereby certify that I have served a copy of the following as indicated herein below, by mailing a copy of the same by first class U.S. Mail postage pre-paid on the date below to the following:

Documents Served:

- (1) Motion for Leave to File an Amicus Curiae Brief of Independent Insurance Agents and Brokers of South Carolina, Inc.
- (2) Brief of Amicus Curiae Independent Insurance Agents and Brokers of South Carolina, Inc.

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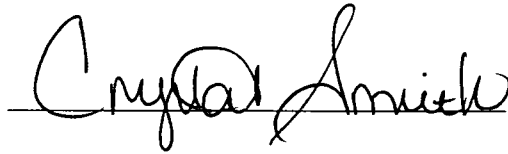
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February 10, 2015

A handwritten signature in black ink that reads "Crystal Amick". The signature is written in a cursive style and is positioned above a horizontal line.