

RECEIVED

OCT 16 2015

THE STATE OF SOUTH CAROLINA
In The Supreme Court

S.C. Supreme Court

CERTIFIED QUESTION FROM THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF SOUTH CAROLINA
Columbia Division

Joseph F. Anderson, Jr., United States District Judge

Appellate Case No. 2015-000901

John William Machin..... Plaintiff,

v.

Carus Corporation..... Defendant.

MOTION FOR LEAVE TO FILE BRIEF OF AMICI CURIAE
SOUTH CAROLINA DEFENSE TRIAL ATTORNEYS' ASSOCIATION
AND DRI – THE VOICE OF THE DEFENSE BAR
AS TO CERTIFIED QUESTION #4

Pursuant to Rule 213, SCACR, the South Carolina Defense Trial Attorneys' Association ("SCDTAA") and DRI – The Voice of the Defense Bar ("DRI") hereby move for leave of this Court to file a brief as amici curiae in this matter. For the Court's convenience, a copy of the amici curiae brief is enclosed herewith for contemporaneous, conditional filing. SCDTAA and DRI seek this filing for the following reasons:

1. This appeal involves four certified questions, including one which may decide whether or not non-parties can be included on jury verdict forms for the purpose of making accurate and true allocations of fault.

2. Members of the SCDTAA consist of defense attorneys practicing law in South Carolina representing individuals, entities, and insurance carriers in all aspects of litigation. The mission of the SCDTAA is to promote justice, professionalism, and integrity in the civil justice system. In doing so, the SCDTAA also seeks to promote fairness, consistency, and efficiency in civil litigation.

3. DRI is an international organization of more than 22,000 attorneys involved in the defense of civil litigation. DRI is committed to enhancing the skills, effectiveness, and professionalism of defense attorneys. Because of this commitment, DRI seeks to promote the role of defense attorneys, to address issues germane to defense attorneys and their clientele, and to improve the civil justice system. DRI has long participated in the ongoing effort to make the civil justice system fairer, more consistent, and more efficient.

4. The resolution of Certified Question #4 impacts the mission of both the SCDTAA and DRI to promote justice, efficiency, and fairness in the civil justice system. Allowing non-parties to be included on verdict forms for the purpose of making true and accurate allocations of fault fundamentally affects justice, fairness, and efficiency in our court system.

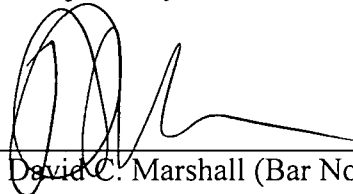
5. The SCDTAA and DRI believe their submission of the proposed amici curiae brief would be desirable and helpful to the Court. The brief outlines and analyzes case law not previously considered by the Court and provides additional analysis of the policy considerations and potential ramifications of the Court's decision.

(Signature page to follow.)

Respectfully submitted,

October 16, 2015

By:



David C. Marshall (Bar No. 73760)
Turner Padgett Graham & Laney P.A.
Post Office Box 1473
Columbia, SC 29202
Phone: (803) 254-2200
Fax: (803) 799-3957

Alan Jones (Bar No. 100141)
McGangus, Goudelock & Courie
2411 North Oak Street, Suite 401
Myrtle Beach, SC 29577-3173
Phone: (843) 848-6000
Fax: (803) 449-2306

ATTORNEYS FOR AMICI CURIAE
SOUTH CAROLINA DEFENSE TRIAL
ATTORNEYS' ASSOCIATION AND
DRI – THE VOICE OF THE DEFENSE BAR

RECEIVED

OCT 16 2015

THE STATE OF SOUTH CAROLINA
In the Supreme Court

S.C. Supreme Court

CERTIFIED QUESTION FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
Columbia Division

Joseph F. Anderson, Jr., United States District Judge

Appellate Case No. 2015-000901

John William Machin..... Plaintiff,

v.

Carus Corporation..... Defendant.

PROOF OF SERVICE

I certify this 16th day of October 2015 that I have served copies of the Motion For Leave To File Brief Of Amici Curiae South Carolina Defense Trial Attorneys' Association And DRI – The Voice Of The Defense Bar As to Certified Question #4, Brief of Amici Curiae South Carolina Defense Trial Attorneys' Association And DRI – The Voice Of The Defense Bar As to Certified Question #4, and Certificate Of Counsel upon other counsel of record, by mailing same, postage prepaid in the United States mail, addressed to the following:

John S. Nichols, Esquire
Bluestein Nichols Thompson & Delgado
P. O. Box 7965
Columbia, SC 29202

Gray T. Culbreath, Esquire
Jessica A. Waller, Esquire
Gallivan, White & Boyd, P.A.
P. O. Box 7368
Columbia, SC 29202

Frederick I. Hall, III, Esquire
The Rick Hall Law Firm
P. O. Box 1898
Lexington, SC 259071

John K. Koon, Esquire
Koon & Cook
2016 Gadsden St.
Columbia, SC 29201

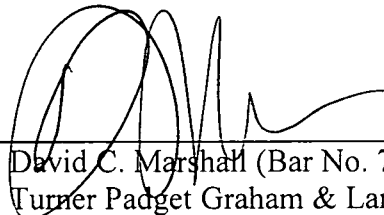
ATTORNEYS FOR PLAINTIFF

J. Arthur Davison, Esquire
Sonja R. Tate, Esquire
Fulcher Hagler LLP
P. O. Box 1477
Augusta, GA 30903-1477

ATTORNEYS FOR DEFENDANT

October 16, 2015

By:



David C. Marshall (Bar No. 73760)
Turner Padgett Graham & Laney P.A.
Post Office Box 1473
Columbia, SC 29202
Phone: (803) 254-2200
Fax: (803) 799-3957

Alan Jones (Bar No. 100141)
McGangus, Goudelock & Courie
2411 North Oak Street, Suite 401
Myrtle Beach, SC 29577-3173
Phone: (843) 848-6000
Fax: (803) 449-2306

ATTORNEYS FOR AMICI CURIAE
SOUTH CAROLINA DEFENSE TRIAL
ATTORNEYS' ASSOCIATION AND
DRI – THE VOICE OF THE DEFENSE BAR