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November 23, 2015

S.C. Supreme Court

The Honorable Daniel E. Shearouse
Clerk of Court
Supreme Court of South Carolina
Post Office Box 11330
Columbia, South Carolina 29211

RE: Traynum v. Scavens
Case Tracking No.: 2013-002797

Dear Mr. Shearouse:

I have attached 15 copies of this letter. Please treat it as my reply to the amicus brief.

The brief's premise is mistaken. My clients are not asking the law to treat electronic offers differently. Just as a "paper" offer of UIM can be presented in a way that is misleading, so too can an on-line offer be misleading, as this offer was. The law draws no distinction.

I appreciate the brief's candid acknowledgment that it is partisan. On page 2, it helpfully explains it will offer the "insurance industry's" view. Of course, the Respondent in this case is an insurance company. Presumably, the insurance industry's view has already been advanced.

It is understandable that the brief champions the Respondent's arguments. As the website of the purported amicus explains, this organization's purpose "is to advocate our members' public policy positions in all 50 states and on Capitol Hill[.]"¹ The Respondent has apparently been a member of this organization for 50 years² and has an officer serving as First Vice Chair of this organization's Board of Governors.³ Many litigants have friends who will happily be a surrogate for their positions. Thankfully, most do not trot those friends to court as amicus curiae.

Yours sincerely,

Blake A. Hewitt

cc: Thomas R. Young, Jr., Esquire
John R. Murphy, Esquire
David C. Marshall, Esquire

¹<http://www.pciaa.net/about-us/about-pci>

²<http://pcievents.cvent.com/events/pci-annual-meeting/event-summary-94cb0022cd5940a79f6f91099c5dd123.aspx>

³<http://www.wci360.com/news/article/pci-elects-new-officers-to-board-of-governors>