

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

2224A

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

**RECEIVED**  
NOV 26 2014  
**SC Court of Appeals**

Alison Renee Lee, Circuit Court Judge

---

Case No. 2014-001867

---

Sabrina D. Davis,

Appellant,

v.

Bankers Life and Casualty Company,

Respondent.

---

**RECORD ON APPEAL**

Sabrina D Davis  
P.O. Box 334  
Greenville, SC 29602  
Pro Se Litigant

Sarah Day Hurley  
Turner Padgett Graham & Laney  
P.O. Box 1509  
Greenville, SC 29602  
Attorney for Respondent

# INDEX

Document	Page No.
Judgment 1 dated May 28, 2014.....	1-2
Judgment 2 dated July 29, 2014.....	3-5
Motion dated March 24, 2014.....	6-15

FORM

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE  
IN THE COURT OF COMMON PLEAS

Sabrina D Davis

JUDGMENT IN A CIVIL CASE  
FILED-001111 OFF COURT  
GREENVILLE CO. S.C.  
CASE NUMBER **2014CP2300815**

PAUL B. WILSON  
2014 MAY 28 PM 4 25  
Bankers Life And  
Casualty Company

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for:  Plaintiff  Defendant  
 Self-Represented Litigant

**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  
 Rule 43(k), SCRPC (Settled);  Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j) SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other: \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order; (formal order to follow)  Statement of Judgment by the Court:  
**ORDER INFORMATION**

Defendant's Motion to Dismiss for improper service is **GRANTED**. This case is dismissed without prejudice. Plaintiff may refile and reserve Defendant pursuant to S.C. Code Ann. § 15-9-270.

This order  ends  does not end the case.  
Additional Information for the Clerk: \_\_\_\_\_

**INFORMATION FOR THE JUDGMENT INDEX**

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

*W. Lee Lee*  
Circuit Court Judge

Judge Code

Date

**For Clerk of Court Office Use Only**

*5-28-14*

*5-28-14*

This judgment was entered on , and a copy mailed first class or placed in the appropriate attorney's box on , to attorneys of record or to parties (when appearing pro se) as follows:

Sabrina D Davis P O Box 334 Greenville, SC 29602

Sarah Day Hurley Turner Padget Graham & Laney, P.A.  
P.O. Box 1509 Greenville, SC 29602

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

*Paul B. Wickensimer*

Court Reporter

Paul B. Wickensimer Greenville County Clerk Of Court - Clerk of Court

**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This ~~action came~~ to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FORM

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE  
CASE NUMBER 2014CP2300815

Sabrina D Davis

FILED - CLERK OF COURT

GREENVILLE CO. S.C. Bankers Life And  
PAUL B. WICKENSIMER Casualty Company

2014 JUL 29 PM 2 43

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for:  Plaintiff  Defendant  
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
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- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  
 Rule 43(k), SCRPC (Settled);  Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j) SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other: \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other: \_\_\_\_\_

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order; (formal order to follow)  Statement of Judgment by the Court:

ORDER INFORMATION

This order  ends  does not end the case.

Additional Information for the Clerk: \_\_\_\_\_

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

Judge Code

7/29/2014

Date

**For Clerk of Court Office Use Only**

This judgment was entered on **29th day of July, 2014**, and a copy mailed first class or placed in the appropriate attorney's box on **29th day of July, 2014**, to attorneys of record or to parties (when appearing pro se) as follows:

**Sabrina D Davis** P O Box 334 Greenville, SC 29602

**Sarah Day Hurley Turner Padgett Graham & Laney, P.A.**  
P.O. Box 1509 Greenville, SC 29602

**ATTORNEY(S) FOR THE PLAINTIFF(S)**

**ATTORNEY(S) FOR THE DEFENDANT(S)**

**Court Reporter**

**Paul B. Wickensimer Greenville County Clerk Of Court - Clerk of Court**

**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

STATE OF SOUTH CAROLINA CLERK OF COURT IN THE COURT OF COMMON PLEAS  
COUNTY OF GREENVILLE GREENVILLE CO. S.C. THIRTEENTH JUDICIAL CIRCUIT

PAUL B. WICKENSIMER

Sabrina D. Davis,

CASE NO. 2014-CP-23-00815

2014 JUL 29 PM 2 43

Plaintiff,

vs.

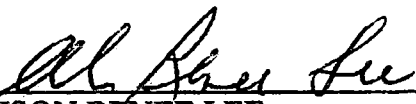
**ORDER**

Bankers Life and Casualty Company,

Defendant.

After careful consideration of the record in this case and the submissions of counsel, this Court is unable to discover any material fact or principle of law that either has been overlooked or disregarded and further finds no error of law or facts not appropriately considered. Plaintiff argues in her Motion for Re-examination filed June 20, 2014 that the case *White Oak Manor, Inc. v. Lexington Ins. Co.*, 407 S.C. 1, 753 S.E.2d 537 (2014), provides that insurance policy provisions and agreements creating alternative methods of service for the insurer are valid and binding. However, at the hearing on the Motion to Dismiss on May 20, 2014, Plaintiff did not present any evidence that her insurance policy provided for an alternative method of service or that there was an agreement between the parties to alternative methods of service, and the case is therefore distinguishable. Accordingly, this Court hereby **DENIES** Plaintiff's Motion for Re-examination. Pursuant to Rule 59(f), the Court is of the opinion that oral argument is not necessary. As stated in the Court's Order filed May 28, 2014, Plaintiff's case was dismissed without prejudice, and Plaintiff may refile and reserve Defendant pursuant to S.C. Code Ann. § 15-9-270.

**AND IT IS SO ORDERED.**

  
ALISON RENEE LEE  
Presiding Judge

July 18, 2014  
Columbia, South Carolina

ENTERED COMPUTER

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Sabrina D. Davis,

vs.

Bankers Life and Casualty Co.

FILED-CLERK OF COURT  
GREENVILLE CO. S.C.  
PAUL B. WICKENSIMMER

THIRTEENTH JUDICIAL CIRCUIT


CASE NO.: 2014-CP-23-00815

MOTION AND ORDER INFORMATION

FORM AND COVERSHEET

2014 MAR 24 PM 2 21

Plaintiff  
Defendant

Plaintiff's Attorney: Sabrina D. Davis, Pro Se, Bar No. _____ Address: P.O. Box 334 Greenville, SC 29602 Phone: 864-982-1799 Fax _____ E-mail: Davis6925@msn.com Other: _____	Defendant's Attorney: Sarah Day Hurley, Bar No. 16241 Address: Turner Padget Graham & Laney, P.A. P.O. Box 1509 Greenville, SC 29602 Phone: 864-552-4651 Fax _____ E-mail: shurley@turnerpadget.com Other: _____
<input checked="" type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
<b>SECTION I: Hearing Information</b>	
Nature of Motion: Motion to Dismiss Estimated Time Needed: 15      Court Reporter Needed: <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO	
<b>SECTION II: Motion/Order Type</b>	
<input checked="" type="checkbox"/> Written motion attached <input type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.	
 Signature of Attorney for <input type="checkbox"/> Plaintiff / <input checked="" type="checkbox"/> Defendant	March 24, 2014 Date submitted
<b>SECTION III: Motion Fee</b>	
<input checked="" type="checkbox"/> PAID - AMOUNT: \$ <u>25.00</u> <input type="checkbox"/> EXEMPT: (check reason)	
<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC) <input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ <input type="checkbox"/> Other: _____	
<b>JUDGE'S SECTION</b> <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____
<b>CLERK'S VERIFICATION</b>	
Collected by: _____ Date Filed: _____ <input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____	

FILED-CLERK OF COURT  
 STATE OF SOUTH CAROLINA GREENVILLE CO. S.C. IN THE COURT OF COMMON PLEAS  
 COUNTY OF GREENVILLE PAUL B. WICKENS, CLERK Civil Action No. 2014-CP-23-00815  
 2014 MAR 24 PM 2 21  
 Sabrina D. Davis )  
 )  
 Plaintiff, )  
 )  
 vs. ) DEFENDANT BANKERS LIFE AND  
 ) CASUALTY COMPANY'S NOTICE OF  
 ) MOTION AND MOTION TO DISMISS  
 Bankers Life & Casualty Company, )  
 )  
 Defendants. )

PLEASE TAKE NOTICE that Defendant Bankers Life and Casualty Company ("Bankers Life"), by and through its undersigned counsel, hereby moves this Court pursuant to Rules 12(b)(4) and (5) of the South Carolina Rules of Civil Procedure for an Order dismissing Plaintiff's Complaint.

This motion is made pursuant to SCRPC 12(b)(4) on the grounds of insufficiency of process, and pursuant to SCRPC 12(b)(5) on the grounds of insufficiency of service of process, in that Defendant has never been served with a Summons. Furthermore, service of the Complaint was by U.S. Postal Service Priority Mail, and not by registered or certified mail, return receipt requested, with delivery restricted to addressee. Therefore, the purported service on Defendant was not valid or effective under SCRPC 12(b)(4) and (5) and this Court should grant the motion to dismiss.

This motion shall be based upon this Notice, the attached Affidavit of Brandon G. Kennedy, Exhibit A, and the applicable common and statutory law in South Carolina.

STATE OF SOUTH CAROLINA )  
CLERK OF COURT )  
GREENVILLE CO. S.C. )  
COUNTY OF GREENVILLE )  
PAUL S. WICKENSIMER )

SABRINA D. DAVIS, 2014 MAR 24 PM 2 21

Plaintiff,

vs.

BANKERS LIFE AND CASUALTY CO.)

Defendant.

CASE NO. 2014-CP-23-00815

AFFIDAVIT OF BRANDON G. KENNEDY

BRANDON G. KENNEDY ("Affiant"), being first duly sworn upon oath, deposes and states:

1. Affiant is an adult, fully competent to testify to the matters contained herein, and I make this Affidavit on my own personal knowledge.
2. Affiant is the Branch Sales Manager of the Bankers Life and Casualty Co. branch sales office located 10 Patewood Drive, Suite 450 Greenville, S.C. 29615 (the "Branch Office").
3. On February 20, 2014, the U.S. Postal Service apparently delivered an envelope at the Branch Office. A true and accurate copy of the envelope and its entire contents is attached hereto as Exhibit "A". I was not present at the time of delivery, but the envelope was given to me by my staff on February 21, 2014. The envelope was mailed by U.S. Postal Service Priority Mail, and not by registered or certified mail, return receipt requested, with delivery restricted to addressee. At the time of delivery of the envelope by the letter carrier, since I was not present, there was no officer, managing agent, or general agent of Bankers Life and Casualty Co. at the Branch Office.

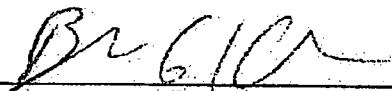
~~Page 2~~

4. No document labeled as a "Summons" was contained in the envelope referred to in paragraph 3 above.

5. Further Affiant sayeth naught.

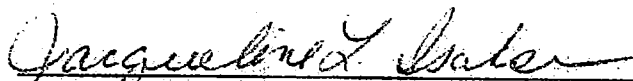
**I AFFIRM UNDER PENALTIES FOR PERJURY THAT THE FOREGOING IS TRUE TO THE BEST OF MY KNOWLEDGE.**

Date: 2/28/2014

  
Brandon G. Kennedy

STATE OF SOUTH CAROLINA )  
 ) SS:  
COUNTY OF )

Before me, a Notary Public in and for said County and State, appeared Brandon G. Kennedy this 28 day of February, 2014, and who, being duly sworn upon his oath acknowledged the signature on the above and foregoing Affidavit as his free and voluntary act and that the statements therein are true to the best of his knowledge.

  
Signature  
Notary Public

Jacqueline L. Isaksen  
Printed

My Commission Expires: 03/2016

My County of Residence: Greenville

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

SABRINA D DAVIS

Plaintiff(s)

vs.

BANKERS LIFE AND CASUALTY CO

Defendant(s)

Submitted By: SABRINA D. DAVIS

Address: PO BOX 334 GREENVILLE SC 29602

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2014-CP-23-00815

FILED-CLERK OF COURT  
GREENVILLE CO. S.C.  
PAUL B. WICKENHEIMER  
2014 FEB 14 PM 4:3

SC Bar #:

Telephone #: 864-982-1299

Fax #:

Other:

E-mail: dsu@bns.com

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

\*If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint.
- NON-JURY TRIAL demanded in complaint.
- This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- |   |  |   |  |
|---|--|---|--|
| <p><b>Contracts</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Constructions (100)</li> <li><input type="checkbox"/> Debt Collection (110)</li> <li><input type="checkbox"/> Employment (120)</li> <li><input type="checkbox"/> General (130)</li> <li><input checked="" type="checkbox"/> Breach of Contract (140)</li> <li><input type="checkbox"/> Other (199)</li> </ul> | <p><b>Torts - Professional Malpractice</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Dental Malpractice (200)</li> <li><input type="checkbox"/> Legal Malpractice (210)</li> <li><input type="checkbox"/> Medical Malpractice (220)</li> <li>Previous Notice of Intent Case #<br/>20-CP-</li> <li><input type="checkbox"/> Notice/ File Med Mal (230)</li> <li><input type="checkbox"/> Other (299)</li> </ul>   | <p><b>Torts - Personal Injury</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Assault/Slander/Libel (300)</li> <li><input type="checkbox"/> Conversion (310)</li> <li><input type="checkbox"/> Motor Vehicle Accident (320)</li> <li><input type="checkbox"/> Premises Liability (330)</li> <li><input type="checkbox"/> Products Liability (340)</li> <li><input type="checkbox"/> Personal Injury (350)</li> <li><input type="checkbox"/> Wrongful Death (360)</li> <li><input type="checkbox"/> Other (399)</li> </ul>   | <p><b>Real Property</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Claim &amp; Delivery (400)</li> <li><input type="checkbox"/> Condemnation (410)</li> <li><input type="checkbox"/> Forclosures (420)</li> <li><input type="checkbox"/> Mechanic's Lien (430)</li> <li><input type="checkbox"/> Partition (440)</li> <li><input type="checkbox"/> Possession (450)</li> <li><input type="checkbox"/> Building Code Violation (460)</li> <li><input type="checkbox"/> Other (499)</li> </ul>  |
| <p><b>Inmate Petitions</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> PCR (500)</li> <li><input type="checkbox"/> Mandamus (520)</li> <li><input type="checkbox"/> Habeas Corpus (530)</li> <li><input type="checkbox"/> Other (599)</li> </ul>  | <p><b>Administrative Law/Relief</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Reinstate Dry. License (800)</li> <li><input type="checkbox"/> Judicial Review (810)</li> <li><input type="checkbox"/> Relief (820)</li> <li><input type="checkbox"/> Permanent Injunction (830)</li> <li><input type="checkbox"/> Forfeiture-Petition (840)</li> <li><input type="checkbox"/> Forfeiture-Consent Order (850)</li> <li><input type="checkbox"/> Other (899)</li> </ul> | <p><b>Judgments/Settlements</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Death Settlement (700)</li> <li><input type="checkbox"/> Foreign Judgment (710)</li> <li><input type="checkbox"/> Magistrate's Judgment (720)</li> <li><input type="checkbox"/> Minor Settlement (730)</li> <li><input type="checkbox"/> Transcript Judgment (740)</li> <li><input type="checkbox"/> Lis Pendens (750)</li> <li><input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760)</li> <li><input type="checkbox"/> Confession of Judgment (770)</li> <li><input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780)</li> <li><input type="checkbox"/> Other (799)</li> </ul> | <p><b>Appeals</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Arbitration (900)</li> <li><input type="checkbox"/> Magistrate-Civil (910)</li> <li><input type="checkbox"/> Magistrate-Criminal (920)</li> <li><input type="checkbox"/> Municipal (930)</li> <li><input type="checkbox"/> Probate Court (940)</li> <li><input type="checkbox"/> SCDOT (950)</li> <li><input type="checkbox"/> Worker's Comp (960)</li> <li><input type="checkbox"/> Zoning Board (970)</li> <li><input type="checkbox"/> Public Service Comm. (990)</li> <li><input type="checkbox"/> Employment Security Comm (991)</li> <li><input type="checkbox"/> Other (999)</li> </ul> |
| <p><b>Special/Complex /Other</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Environmental (600)</li> <li><input type="checkbox"/> Automobile Arb. (610)</li> <li><input type="checkbox"/> Medical (620)</li> <li><input type="checkbox"/> Other (699)</li> </ul>   | <ul style="list-style-type: none"> <li><input type="checkbox"/> Pharmaceuticals (630)</li> <li><input type="checkbox"/> Unfair Trade Practices (640)</li> <li><input type="checkbox"/> Out-of State Depositions (650)</li> <li><input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660)</li> <li><input type="checkbox"/> Sexual Predator (810)</li> </ul>   |   |  |

Submitting Party Signature:

Date:

02-14-2014

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCF, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

RECEIVED

FEB 21 2014

LITIGATION

STATE OF SOUTH CAROLINA

IN THE COURT OF GREENVILLE COUNTY CIRCUIT COURT OF COMMON PLEAS

SABRINA D DAVIS,  
Plaintiff,

vs.

BANKERS LIFE AND CASUALTY  
COMPANY,

Defendant

2014 GP-23-00815

BAD FAITH ACTION WITH PUNITIVE DAMAGES

FILED-CLERK OF COURT  
GREENVILLE CO. S.C.  
PAUL B. MOENSIHER  
2014 FEB 21 PM 12 43

Sabrina D Davis seeks to bring an action against Bankers Life and Casualty Company for Bad Faith involving the life insurance policy of Mr. Willie M Godley in which she is listed as the beneficiary. Ms. Davis made a claim for benefits on April 19, 2013 and to date the company has denied her claims for benefits. Ms. Davis is seeking to recover damages amounting to \$40,000.00

Facts Presented

Mr. Willie M Godley submitted an application for life insurance benefits on December 17, 2012 that had a death benefit for \$10,000 payable upon his death. Mr. Godley passed away on March 30, 2013 at his home of natural causes. Once the claim was submitted to Bankers Life and Casualty on April 19, 2013, there was a delay in processing the claim. Bankers claimed

Logged By: Rita  
Date Logged: 2/21/14  
Fwded to: Stephanie For File  
Date Fwded: 2/21/14

there were issues obtaining Mr. Godley's medical files from Milestone. On June 20, 2013, Bankers Life and Casualty receives Mr. Godley's medical records and on July 8, 2013 Bankers Trust and Casualty issues a statement that the policy is null and void. Bankers Trust and Casualty claim that Mr. Godley made a medical misrepresentation on his application for life insurance. The question that is in dispute is the following question that is listed on the application.

QUALIFYING MEDICAL QUESTIONS

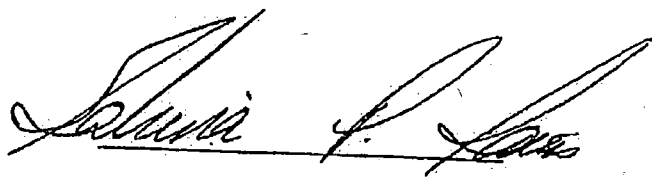
A. Has the Proposed Insured:

2. Within the past 3 years, hHad, or been diagnosed as having, been treated for, or medically advised to receive treatment for: Alzheimer's Disease, dementia, ALS(Lou Gehrig's Disease), congestive heart failure, kidney insufficiency(including dialysis) or drug abuse:

Their agent, Ursula Schneider-Wewer (agent# R5749) is the person that filed out this application and was the person that actually checked the response to the questions on the life insurance application. Therefore Bankers commissioned employee is the one that supplied her employer with false information.

being used to determine if an insurance application should be approved or not approved. This company has not provided one shred of evidence that Mr. Godley presented any false statements for the agent to incorrectly check the wrong response on any of the questions on his life insurance application.

Dated this 6<sup>th</sup> day of February, 2014



Steven J. Lewis

Also Mr. Godley signed a medical release form giving Banker Life and Casualty authorization for medical and other confidential information pertaining to Mr. Godley medical conditions past, present or future. The heading of this form plainly states the following:

"Authorization for Medical and Other Confidential Information- Conforms to HIPAA Privacy Rule-to be obtained before Insurance is Issued."

And Item four on this form states Purpose of Authorization-how my information will be used by the Receiving Party-To determine my eligibility for coverage and administer benefits under a policy or certificate of insurance. As stated prior, Mr. Godley applied for insurance and signed an Authorization for medical and other confidential information form on December 17, 2012. The Life insurance policy was approved on January 14, 2013.

#### Summary

Bankers Life and Casualty is engaging in post-claim underwriting. This company is trying to run a scam by allowing their agents to falsely fill out insurance applications without recording what the applicants are actually informing the agents and then obtaining Medical authorization forms that are not

Record on Appeal Page 15

Exhibit B  
Page 6a

PLY TO SEAL

PRESS FIRMLY TO SEAL



1024

29615

GREENVILLE, SC  
29602  
FEB 19, 14  
AMOUNT

\$5.60  
00037463-06

**PRIORITY<sup>®</sup>**  
**MAIL ★**

DATE OF DELIVERY SPECIFIED\*

USPS TRACKING™ INCLUDED\*

INSURANCE INCLUDED\*

PICKUP AVAILABLE

\* Domestic only

FROM: Sabrina D. Davis  
P.O. Box 334  
Greenville SC 29602

TO:

Bankers Life & Casualty Co.  
10 Patewood Dr  
Ste 450  
Greenville SC 29615-6317



USPS TRACKING #



9114 9012 3080 1177 1781 10

Label 480 Jan. 2013  
7690-16-000-7848

WHEN USING  
A CUR  
LABEL

EXHIBIT A

