

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

) IN THE COURT OF COMMON PLEAS

) CASE NO.: 11-C-10-387

**RECEIVED**

) JUN 06 2016

) COMPLAINT

PCS Nitrogen, Inc.,

Plaintiff,

**SC Court of Appeals**

v.

Continental Casualty Company, Admiral  
Insurance Company, United States Fire  
Insurance Company, and ACE Property  
& Casualty Insurance Company,

Defendants.

BY \_\_\_\_\_

JULIE J. ARMSTRONG  
CLERK OF COURT

2011 JAN 18 PM 12:30

**FILED**

Plaintiff, PCS Nitrogen, Inc. ("PCS Nitrogen"), by its attorneys, files this Complaint against Continental Casualty Company ("Continental"), Admiral Insurance Company ("Admiral"), United States Fire Insurance Company ("U.S. Fire"), and ACE Property & Casualty Insurance Company ("ACE") (referred to collectively herein as "the Insurers") and states as follows:

1. This matter involves a dispute in connection with insurance policies that provide coverage for property located in the Neck area of Charleston, South Carolina. The policies were issued by the Insurers from 1966 through at least 1984 to Columbia Nitrogen Corporation (CNC), which owned the property in question during that period of time. CNC is no longer in business, but the plaintiff in this litigation, PCS Nitrogen, has been held to be the successor to CNC, and responsible for the remediation of the Charleston property by the United States District Court for the District of South Carolina, in *Ashley II of Charleston, L.L.C. v. PCS Nitrogen, Inc.*, Case No. 2:05-2782. See Opinions dated 9/28/07 and 10/13/2010, attached hereto as Exhibits 1 and 2, respectively.



STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

IN THE COURT OF COMMON PLEAS  
CASE NO.: 11-CP-10-387

PCS Nitrogen, Inc., )  
Plaintiff, )

v. )

**THIRD AMENDED COMPLAINT**

Continental Casualty Company, Admiral )  
Insurance Company, United States Fire )  
Insurance Company, ACE Property & )  
Casualty Insurance Company, Home )  
Insurance Company, Certain Underwriters at )  
Lloyd's London, the Aviva Companies, the )  
Winterthur Companies, Certain London )  
Market Insurance Companies, Unigard )  
Mutual Insurance Company, Berkshire )  
Hathaway Specialty Insurance Company )  
(f/k/a Stonewall Insurance Company), )  
Lexington Insurance Company, Republic- )  
Vanguard Insurance Company (f/k/a )  
Republic Insurance Company), First State )  
Insurance Company, Century Indemnity )  
Company (f/k/a California Union Insurance )  
Company and Insurance Company of North )  
America), )

Defendants. )

**FILED**  
2015 MAR 24 PM 4:16  
JULIE J. ARMSTRONG  
CLERK OF COURT  
BY \_\_\_\_\_

Plaintiff, PCS Nitrogen, Inc. ("PCS Nitrogen"), by its attorneys, files this Third Amended Complaint against: (a) Continental Casualty Company ("Continental"), (b) Admiral Insurance Company ("Admiral"), (c) United States Fire Insurance Company ("U.S. Fire"), (d) ACE Property & Casualty Insurance Company ("ACE"), (e) The Home Insurance Company ("Home") (referred to collectively herein as "the Primary Insurers"), (f) certain Underwriters of Lloyd's London, the Aviva Companies, the Winterthur Companies, and certain London Market Insurance Companies, all subscribing to Policy Nos. 65/10754/2, 65/10754/3, 68/10754/2, 68/10754/3,

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS  
CASE NO.: 11-CP-10-387

PCS Nitrogen, Inc.,

Plaintiff,

v.

**PLAINTIFF'S REPLY TO  
COUNTERCLAIM OF DEFENDANT  
STONEWALL INSURANCE COMPANY**

Continental Casualty Company, Continental  
Casualty Company, ACE Defendant  
Insurance Company, United States Fire  
Insurance Company, ACE Property &  
Casualty Insurance Company, Certain  
Underwriters at Lloyd's London, the Aviva  
Companies, the Winterthur Companies,  
Certain London Market Insurance  
Companies, Providence Washington  
Insurance Company (as Successor in Interest  
by way of Merger to Seaton Insurance  
Company, f/k/a Unigard Security Insurance,  
f/k/a Unigard Mutual Insurance Company),  
Berkshire Hathaway Specialty Insurance  
Company (f/k/a Stonewall Insurance  
Company), Lexington Insurance Company,  
Starr Indemnity & Liability Company (f/k/a  
Republic Insurance Company), First State  
Insurance Company, Century Indemnity  
Company (f/k/a California Union Insurance  
Company and Insurance Company of North  
America),

Defendants.

BY \_\_\_\_\_

JULIE J. ARMSTRONG  
CLERK OF COURT

2015 JUN -2 PM 4:23

FILED

Plaintiff PCS Nitrogen, Inc. ("PCS" or "PCS Nitrogen") replies to the Counterclaim asserted by Defendant Berkshire Hathaway Specialty Insurance Company, formerly known as Stonewall Insurance Company ("Stonewall" or "Defendant"), to the Third Amended Complaint, as follows: