

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Appeal from Richland County
Court of Common Pleas

JUN 13 2016

G. Thomas Cooper, Jr., Circuit Court Judge SC Court of Appeals

Appellate Case No. 2016-000192
Circuit Court Case No. 2014-CP-40-0313

Raymond G. Farmer, as Director of the South Carolina
Department of Insurance,

Petitioner,

v.

CAGC Insurance Company, in Liquidation,

Respondent.

South Carolina Property and Casualty Insurance Guaranty
Association,

Appellant,

v.

CAGC Insurance Company, in Liquidation; Raymond G.
Farmer, in his capacity as Ancillary Receiver of CAGC
Insurance Company, in Liquidation; and CompTrustAGC of
South Carolina a/k/a CompTrustAGC of South Carolina, Inc.,

Respondents.

CONSENT MOTION
TO ALLOW RESPONDENT COMPTRUSTAGC OF SOUTH CAROLINA
A/K/A COMPTRUSTAGC OF SOUTH CAROLINA, INC.,
UNTIL WEDNESDAY, JUNE 15, 2016,
TO FILE/SERVE ITS INITIAL BRIEF AND DESIGNATION OF MATTER

[counsel identified on following page]

YOUNG CLEMENT RIVERS, LLP

Michael A. Molony (SC Bar No. 4026)

T. Douglas Concannon (SC Bar No. 66316)

Russell G. Hines (SC Bar No. 72100)

25 Calhoun Street, Suite 400

Charleston, South Carolina 29401

P.O. Box 993 (29402)

(843) 720-5488

***Attorneys for Respondent CompTrustAGC
of South Carolina a/k/a CompTrustAGC of
South Carolina, Inc.***

COMES NOW Respondent CompTrustAGC of South Carolina a/k/a CompTrust AGC of South Carolina, Inc. (“CompTrust”), by and through its undersigned counsel, on the grounds stated below, and, pursuant to Rule 263(b), SCACR, hereby moves this Honorable Court to allow it until Wednesday, June 15, 2016, to file/serve its initial brief and designation of matter to be included in the record on appeal.

1. By order of May 12, 2016, the Court granted CompTrust’s second motion for an extension of its initial briefing/designation of matter deadline, establishing a deadline of last Friday, June 3, 2016.

2. On June 3rd, with the consent of counsel for Appellant South Carolina Property and Casualty Guaranty Association (the “Guaranty Association”), the undersigned filed/served a motion seeking extension of the deadline through today, June 10, 2016.

3. Upon information and belief, CompTrust’s June 3rd motion remains pending.

4. In recognition of the notice in the Court’s May 12th order that further extension of the initial briefing/designation deadline would have to be occasioned by extraordinary circumstances, in the June 3rd motion, the undersigned represented to the Court that his typical work schedule had been greatly disrupted on account of his families’ recent move into a new home, and humbly suggested

that the Court might view the same as sufficiently out of the ordinary to merit granting the requested dispensation; the undersigned also styled the motion as asking for a final, one-week extension, sincerely attempting to request relief that was modest but also sufficient in view of the demands on the undersigned's time.

5. Owing to the same source of disruption on which the June 3rd motion was grounded, it has now become apparent to the undersigned that the previously requested June 10, 2016, deadline was overly ambitious.

6. In consequence, and, again, humbly suggesting that the Court might consider the circumstances sufficiently extraordinary, the undersigned requests that CompTrust be allowed three (3) business days beyond today to file/serve its initial brief and designation of matter, i.e., allow it through Wednesday, June 15, 2016, a deadline which would assuredly be met.

7. In further support hereof, the undersigned submits that allowance of the requested relief is consistent with the interests of justice and will not unduly prejudice any other party. **In this regard, the undersigned is able to represent to the Court that, prior to making this motion, he corresponded with the Guaranty Association's counsel, A. Mattison Bogan, Esquire, and Mr. Bogan has kindly authorized him to advise that the Guaranty Association consents to the Court's grant of the requested relief. In the event that the Court does grant such relief, Mr. Bogan asked the undersigned to convey to the Court**

that, in conjunction therewith, it establish that the deadline for the Guaranty Association's initial reply/reply designation—in reply to the briefs of all Respondents—is 10 days after service of CompTrust's brief.

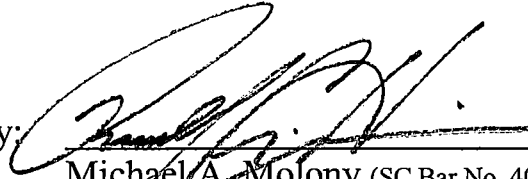
WHEREFORE, CompTrust respectfully requests that this Honorable Court allow it through Wednesday, June 15, 2016, to file/serve its initial brief and designation of matter to be included in the record on appeal—and, at the same time, to establish that the Guaranty Association will have ten (10) days after service of CompTrust's brief to reply to all Respondents. Further, CompTrust respectfully requests that the Court hold its present initial briefing/designation of matter deadline in abeyance until it acts upon this motion.

<SIGNED ON THE FOLLOWING PAGE>

Respectfully submitted,

YOUNG CLEMENT RIVERS, LLP

By:



Michael A. Molony (SC Bar No. 4026)

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Russell G. Hines (SC Bar No. 72100)

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*Attorneys for Respondent CompTrustAGC
of South Carolina a/k/a CompTrustAGC of
South Carolina, Inc.*

Charleston, South Carolina

Dated: 6/10/16

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PROOF OF SERVICE

[counsel identified on following page]

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(843) 720-5488

***Attorneys for Respondent CompTrustAGC
of South Carolina a/k/a CompTrustAGC of
South Carolina, Inc.***

I, Russell G. Hines, of Young Clement Rivers, LLP, counsel for Respondent CompTrustAGC of South Carolina a/k/a CompTrustAGC of South Carolina, Inc., do hereby certify that I have served the **CONSENT MOTION TO ALLOW RESPONDENT COMPTRUSTAGC OF SOUTH CAROLINA A/K/A COMPTRUSTAGC OF SOUTH CAROLINA, INC., UNTIL WEDNESDAY, JUNE 15, 2016, TO FILE/SERVE ITS INITIAL BRIEF AND DESIGNATION OF MATTER** on all other parties to this matter by depositing a copy of the same in the United States Mail, postage prepaid, on June 10, 2016, addressed as follows to their counsel of record:

Howard A. VanDine, III, Esquire
A. Mattison Bogan, Esquire
Erik T. Norton, Esquire
Tara C. Sullivan, Esquire
Nelson Mullins Riley & Scarborough, LLP
P.O. Box 11070
Columbia, SC 29211-1070
Attorneys for Appellant

South Carolina Property and Casualty Insurance Guaranty Association

David W. Boone, Esquire
North Carolina Department of Justice
P.O. Box 629
Raleigh, NC 27602-0629
Attorney for Respondent
CAGC Insurance Company, in Liquidation

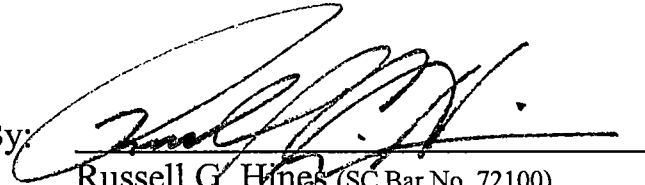
Geoffrey Ross Bonham, Esquire
South Carolina Department of Insurance
P.O. Box 100105
Columbia, SC 29202
Attorney for Respondent
Raymond G. Farmer, in his capacity as Ancillary Receiver
Of CAGC Insurance Company, in Liquidation

<SIGNED ON THE FOLLOWING PAGE>

Respectfully submitted,

YOUNG CLEMENT RIVERS, LLP

By:



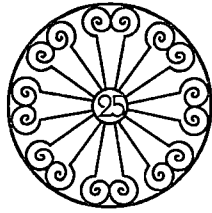
Russell G. Hines (SC Bar No. 72100)

*Attorneys for Respondent CompTrustAGC
of South Carolina a/k/a CompTrustAGC of
South Carolina, Inc.*

Charleston, South Carolina

Dated:

6/10/16



YCR LAW
Young Clement Rivers, LLP

Kathleen B. Barnes
Secretary

Direct Dial: (843) 720-5488
Direct Fax: (843) 579-1369
E-mail: kbarnes@ycrlaw.com

June 10, 2016

Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Appellate Case No. 2016-000192
Case No.: 14-CP-40-0313
YCR File: 15140-20130673

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Dear Ms. Kitchings:

Enclosed for filing in the above-referenced matter please find the original and seven (7) copies of the **Consent Motion to Allow Respondent CompTrustAGC of South Carolina a/k/a CompTrustAGC of South Carolina, Inc., Until Wednesday, June 15, 2016 to File/Serve its Initial Brief and Designation of Matter** along with the original and one copy of a **Proof of Service** for the same. Our firm's check in the amount of \$25.00 is also enclosed for the filing fee. Kindly return a stamped copy of each filed document to me in the envelope provided. By copy of this letter, I am serving all counsel of record with this filing.

Please do not hesitate to contact me should you have any questions.

With best wishes and kindest regards, I am

Sincerely,

YOUNG CLEMENT RIVERS, LLP

Kathleen B. Barnes
Secretary

Enclosures

Cc: Howard A. VanDine, III, Esquire, Nelson Mullins Riley & Scarborough, LLP
A. Mattison Bogan, Esquire, Nelson Mullins Riley & Scarborough, LLP
Erik T. Norton, Esquire, Nelson Mullins Riley & Scarborough, LLP
Tara C. Sullivan, Esquire, Nelson Mullins Riley & Scarborough, LLP
David W. Boone, Esquire, NC Department of Justice
Geoffrey R. Bohnam, Esquire, South Carolina Department of Insurance

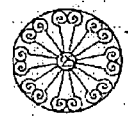
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