

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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

RECEIVED

Timothy M. Cain, United States District Judge

NOV 04 2016

S.C. SUPREME COURT

Appellate Case No. 2016-001437

Reid Harold DonzePlaintiff

v.

General Motors, LLCDefendant

MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF
OF THE PRODUCT LIABILITY ADVISORY COUNCIL, INC.
IN SUPPORT OF DEFENDANT

The Product Liability Advisory Council, Inc. (“PLAC”) respectfully seeks leave of the Court to appear as *amicus curiae* pursuant to Rule 213, SCACR. This application is accompanied by PLAC’s Brief of Amicus Curiae. In support of this Motion, *amicus* respectfully shows the Court as follows:

INTEREST OF AMICUS CURIAE

The Product Liability Advisory Council, Inc. (PLAC) is a non-profit association with 95 corporate members representing a broad cross-section of American and international product manufacturers. These companies seek to

contribute to the improvement and reform of law in the United States and elsewhere, with emphasis on the law governing the liability of manufacturers of products. PLAC's perspective is derived from the experiences of a corporate membership that spans a diverse group of industries in various facets of the manufacturing sector. In addition, several hundred of the leading product liability defense attorneys in the country are sustaining (non-voting) members of PLAC. Since 1983 PLAC has filed over 1075 briefs as amicus curiae in both state and federal courts, including this Court, presenting the broad perspective of product manufacturers seeking fairness and balance in the application and development of the law as it affects product liability.

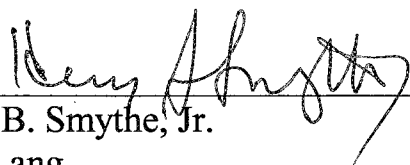
PLAC's membership has a vested interest in confirming that the rules of apportionment in tort cases are uniformly applied to achieve fair and consistent verdicts and to avoid anomalous or excessive verdicts. Specific to this case, PLAC members have an interest in preventing Plaintiffs who engage in negligent, willful or even criminal conduct from manipulating the justice system by artful pleading in order to avoid jury consideration of their own responsibility in causing their injuries. Similarly, PLAC has an interest in ensuring that South Carolina's modified comparative fault system is employed justly, by enabling juries to weigh all proximate causes of an injury in apportioning fault among parties. Finally, PLAC's membership supports public policies that discourage the reckless and

irresponsible use of products, such as South Carolina's public policy against rewarding intoxicated drivers.

For the foregoing reasons, PLAC respectfully requests that this Honorable Court grant leave to present an *amicus curiae* brief. A copy of PLAC's proposed *amicus curiae* brief is attached hereto, and is being conditionally filed with this motion in accordance with Rule 213, SCACR.

Respectfully Submitted,

WOMBLE CARLYLE SANDRIDGE & RICE, LLP

By: 
Henry B. Smythe, Jr.
Dana Lang
5 Exchange Street
Charleston, SC 29412

*Attorneys for Amicus Curiae,
Product Liability Advisory Council, Inc.*

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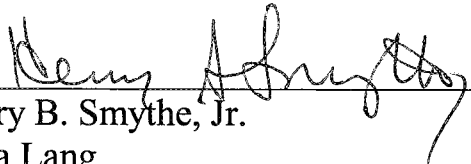
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CERTIFICATE OF COUNSEL

The undersigned certified that The Product Liability Advisory Council, Inc.'s Motion for Leave to File *Amicus Curiae* Brief in Support of Defendant complies with Rule 213, SCACR.

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PROOF OF SERVICE

I certify that I have served a copy of the Motion for Leave to File *Amicus Curiae* Brief of The Product Liability Advisory Council, Inc. in Support of Defendant upon all counsel of record herein by mailing same via electronic mail and U.S. First Class Mail on November 4, 2016, addressed as follows:

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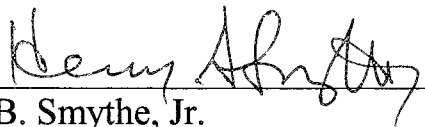
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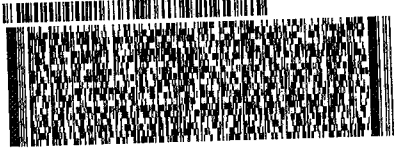
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