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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

James R. Barber III, Circuit Court Judge
Letitia H. Verdin, Circuit Court Judge

Case No. 2016-000963

Three Blind Mice, LLC, d/b/a The Blind Horse Saloon,... Respondent,
v.
Colony Insurance Company,..... Appellant.

Motion for Leave to File *Amicus Curiae* Brief

The Property Casualty Insurers Association of America (“the Association”) respectfully requests the permission of this court to appear as *amicus curiae* pursuant to Rule 213 of the South Carolina Appellate Court Rules. Consistent with Rule 213, the Association has conditionally filed its proposed *amicus* brief.

The Association is a trade association for the property casualty industry and represents nearly 1,000 member companies. The Association’s purpose is to advocate for its members’ public policy positions in all fifty states and to keep its members current on the information that is critical to their businesses. The Association’s members write \$202 billion in annual premiums, which accounts for thirty-five percent of the nation’s property casualty insurance.

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SC Court of Appeals

As explained in the brief conditionally filed with this motion, the issues presented in this case are the interpretation of insurance policy exclusions and whether an insurer can be held liable for bad faith when those exclusions are found to be ambiguous. These issues have the potential to affect all insurance companies doing business in South Carolina, including members of the Association. The Association has substantial experience with the issues presented in this appeal, and its members have issued policies with the same language contained in the policy at issue in this case. Thus, the Association possesses unique insight and familiarity with the circumstances and background of these issues. As a result, the Association respectfully submits that this experience and insight would assist this court in reaching the correct resolution on the issues presented in this litigation.

Because the Association has an identifiable interest in this matter as required by Rule 213, it respectfully requests this court accept its conditionally-filed *amicus* brief.

(signature on following page)

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By: s/ Daniel R. McCoy by Nick Charles with express permission

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January 27, 2017

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PROOF OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Property Casualty Insurers Association of America do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings: Property Casualty Insurers Association of America's
Motion for Leave to File *Amicus Curiae* Brief

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SC Court of Appeals

Hand Delivered

The Honorable Jenny Abbott Kitchings
Clerk of Court
1220 Senate Street
Columbia, South Carolina 29201

RE: Three Blind Mice LLC d/b/a The Blind Horse v. Colony Insurance Co.
SC Appeal Case No. 2016-000963
NMRS File No. 23273.01501

Dear Ms. Kitchings:

Enclosed please find an original and seven copies of Property Casualty Insurers Association of America's Motion for Leave to File Amicus Brief, per rule 240, along with our firm's check for the filing fee. The original and fifteen copies of Property Casualty Insurers Association of America's conditional *Amicus Curiae*, required by rule 211, in the above referenced case. Please file the original and return a clocked in copy to our courier.

By copy of this letter I am hereby serving all counsel of record a copy of same. Please contact me should you have any questions.

Very truly yours,

s/ Daniel R. McCoy by Nick Charles with express permission

Daniel R. McCoy

DRM:dp

Enclosures

cc: David G. Harris II, Esquire
David L. Brown, Esquire
Eric K. Englehardt, Esquire
William W. Wilkins, Esquire
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