

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

G. Thomas Cooper, Jr., Circuit Court Judge

C.A. No.: 2011-CP-10-00387
Appellate Case No. 2016-001140

RECEIVED

FEB 02 2017

SC Court of Appeals

PCS Nitrogen, Inc.,.....Appellant.

vs.

Continental Casualty Company, Admira 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),.....Respondents.

CERTIFICATE OF COUNSEL

I hereby certify that the Appellant's Final Reply Brief complies with Rule 211(b).

Respectfully submitted.



Wm. Howell Morrison (S.C. Bar No. 4016)
Haynsworth Sinkler Boyd, P.A.
134 Meeting Street, 3rd Floor
Charleston, SC 29401
Phone: (843) 722-3366

And

Michael H. Ginsberg
 Matthew R. Divelbiss
 Admitted *Pro Hac Vice*

RECEIVED

Jones Day
 500 Grant Street, Suite 4500
 Pittsburgh, PA 15219-2502
 Phone: (412) 391-3939

FEB 02 2017

SC Court of Appeals

Attorneys for Appellant PCS Nitrogen, Inc.

November 4, 2016

J.R. Murphy, Esq.
 Adam J. Neil, Esq.
 Wesley B. Sawyer, Esq.
 Murphy & Grantland, P.A.
 P.O. Box 6648
 Columbia, SC 29260
 (803) 782-4100
*Attorneys for Respondent Admiral Insurance
 Company*

R. Scott Wallinger, Jr., Esq.
 Christian Stegmaier, Esq.
 Collins & Lacy, P.C.
 P.O. Box 12487
 Columbia, SC 29211
 (803) 256-2660
*Attorneys for Respondent United States
 Fire Insurance Company (for policy no.
 5401893627)*

John S. Favate, Esq. (*pro hac vice*)
 Michael J. Forino, Esq. (*pro hac vice*)
 Hardin, Kundla, McKeon & Ploetto
 673 Morris Avenue
 Springfield, NJ 07081
 (973) 912-5222
*Attorneys for Respondent United States Fire
 Insurance Company (for policy no. 5401893627)*

Morgan S. Templeton, Esq.
 Wall Templeton & Haldrup, P.A.
 P.O. Box 1200
 145 King Street, Suite 300 (29401)
 Charleston, SC 29402
 (843) 329-9500
*Attorneys for Respondent Continental
 Casualty Company*

Patrick F. Hofer, Esq. (*pro hac vice*)
 Troutman Sanders, LLP
 401 Ninth Street, N.W., Suite 1000
 Washington, DC 20004
 (202) 274-2950
*Attorneys for Respondent Continental Casualty
 Company*

Robert H. Hood, Jr., Esq.
 Hood Law Firm, LLC
 P.O. Box 1508
 Charleston, SC 29402
 (843) 577-4435
*Attorneys for Respondents ACE Property
 & Casualty Insurance Company and
 United States Fire Insurance Company
 with respect to policy numbers GLA
 284022 and 540-079751-7 and Century
 Indemnity Company (k/k/a California
 Union Insurance Company and Insurance
 Company of North America)*

Robert F. Walsh, Esq. (*pro hac vice*)
 Thomas M. Going, Esq. (*pro hac vice*)
 Patricia B. Santelle, Esq. (*pro hac vice*)
 White and Williams, LLP
 1650 Market Street
 One Liberty Place, Suite 1800
 Philadelphia, PA 19103-7395
 (215) 864-7000

Attorneys for Respondents ACE Property & Casualty Insurance Company and United States Fire Insurance Company with respect to policy numbers GLA 284022 and 540-079751-7 and Century Indemnity Company (k/k/a California Union Insurance Company and Insurance Company of North America)

Richard McDermott, Esq. (*pro hac vice*)
 Seth M. Jaffe, Esq. (*pro hac vice*)
 Hinkhouse Williams Walsh, LLP
 180 North Stetson Avenue, Suite 3400
 Chicago, IL 60601
 (312) 784-5400

Attorneys for Respondents Certain Underwriters at Lloyd's, London, Certain Aviva Companies, Certain Winterthur Companies, Berkshire Hathaway Specialty Insurance Company (f/k/a Stonewall Insurance Company), Starr Indemnity & Liability Company (f/k/a Republic Insurance Company), New London Reinsurance Company Limited and The Scottish Lion Insurance Company Limited (identified as among the Certain London Insurance Companies)

Molly Poag, Esq. (*pro hac vice*)
 Harry Lee, Esq. (*pro hac vice*)
 Steptoe & Johnson, LLP
 1330 Connecticut Avenue, NW
 Washington, DC 20036
 (202) 429-3000

Attorneys for Respondent Providence Washington Insurance Company (as Successor in Interest by way of Merger to Seaton Insurance Company, f/k/a Unitedguard Security Insurance Company, j/k/a

Edward K. Pritchard, III, Esq.
 Elizabeth F. Fulton, Esq.
 Pritchard Law Group, LLC
 P.O. Box 630
 Charleston, SC 29402
 (843) 722-3300

Attorneys for Respondents Certain Underwriters at Lloyd's, London, Certain Aviva Companies, Certain Winterthur Companies, Berkshire Hathaway Specialty Insurance Company (f/k/a Stonewall Insurance Company), Starr Indemnity & Liability Company (f/k/a Republic Insurance Company), New London Reinsurance Company Limited and The Scottish Lion Insurance Company Limited (identified as among the Certain London Insurance Companies)

John C. Bonnie, Esq.
 Weinberg Wheeler Hudgins Gunn & Dial, LLC
 3344 Peachtree Road NE, Suite 2400
 Atlanta, GA 30326
 (404) 876-2700

Attorneys for Respondent Lexington Insurance Company

Elizabeth J. Palmer, Esq.
 Rosen, Rosen & Hagood, LLC
 151 Meeting Street, Suite 400
 Charleston, SC 29401
 (843) 577-6726

Attorneys for Respondent Providence Washington Insurance Company (as Successor in Interest by way of Merger to Seaton Insurance Company, f/k/a Unitedguard Security Insurance Company,

Uniguard Mutual Insurance Company)

**Paul T. Parker, Esq. (*pro hac vice*)
Wayne S. Karbal, Esq. (*pro hac vice*)
Karbal Cohen Economou Silk & Dunne, LLC
150 S. Wacker Drive, Suite 1700
Chicago, IL 60606
(312) 431-3700
*Attorneys for Respondent First State Insurance
Company***

**John T. Lay, Esq.
Laura W. Jordan, Esq.
Gallivan, White & Boyd, P.A.
1201 Main Street, Suite 1200
Columbia, SC 29201
(803) 779-1833**

**Helen Franzese, Esq.
Foran Glennon (UK), LLP
11 Leadenhall Street
London, EC3V 1LP
+44 (0) 20 3530 7754
*Attorneys for Certain London Market Insurance
Companies***

***f/k/a Uniguard Mutual Insurance
Company)***

**R. Michael Ethridge, Esq.
Carlock Copeland
40 Calhoun Street, Suite 400
Charleston, SC 29401
(843) 727-0307
*Attorneys for Respondent First State
Insurance Company***

**Haynsworth
Sinkler Boyd, P.A.**

ATTORNEYS AND COUNSELORS AT LAW

RECEIVED

FEB 02 2017

SC Court of Appeals

134 MEETING STREET, THIRD FLOOR (29401-2240)
POST OFFICE BOX 340 (29402-0340)
CHARLESTON, SOUTH CAROLINA
TELEPHONE 843.722.3388
FACSIMILE 843.722.2286
www.hsblawfirm.com

FACSIMILE TRANSMISSION

DATE: February 2, 2017

CLIENT-MATTER NUMBER: 35894.0002

To:

NAME:	FAX NO.:	PHONE NO.:
Amelia South Carolina Court of Appeals	(803) 734-1839	

FROM: Jeslyn S. Harvey

PHONE: 843.720.4407

RE: PCS Nitrogen, Inc. v. Continental Casualty Company, et al.
Appellate Case No. 2016-001140

NUMBER OF PAGES WITH COVER PAGE: 5

Message:

Please see attached the Certificate of Counsel for Appellant's Final Reply Brief. Thank you.
Jeslyn

CAUTION - CONFIDENTIAL

The information contained in this facsimile message is attorney privileged and confidential information. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the address above via the U.S. Postal Service.

Internal Revenue Service regulations generally provide that, for the purpose of avoiding federal tax penalties, a taxpayer may rely only on formal written advice meeting specific requirements. Any tax advice in this message, or in any attachment to this message, does not meet those requirements. Accordingly, any such tax advice was not intended or written to be used, and it cannot be used, for the purpose of avoiding federal tax penalties that may be imposed on you or for the purpose of promoting, marketing or recommending to another party any tax-related matters.

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL AS SOON AS POSSIBLE.