

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
C/A No. 2016-CP-40-05885
Jocelyn Newman, Circuit Judge

RECEIVED
MAR 05 2018
SC Court of Appeals

Appellate Case No. 2017-002234

Stephany A. Connelly and James M. Connelly,

Respondents,

v.

The Main Street America Group, Old Dominion Insurance Company,
and Allstate Fire and Casualty Insurance Company,

Appellants.

THE APPELLANTS
The Main Street America Group and Old Dominion Insurance Company's
NOTICE OF JOINDER IN THE APPELLANT
Allstate Fire and Casualty Insurance Company's
INITIAL REPLY BRIEF

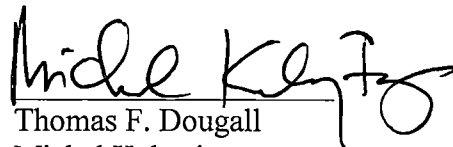
The Appellants, The Main Street America Group, Old Dominion Insurance Company (Old Dominion and Main Street), hereby join in the Initial Reply Brief of Appellant Allstate Fire and Casualty Insurance Company, adopt the argument contained therein, and make two additional points in reply to Respondents Stephany A. Connelly and James M. Connelly's (the Connellys) Brief:

1. The policy exclusion referenced by the Connellys on page 15 of their Brief states that Old Dominion does "not provide Liability Coverage for any 'insured' . . . for 'bodily injury' . . . to and *employee of that 'insured'* during the course of employment." (Policy p. 3; R.__) (emphasis added). Connelly was not an

employee of Trezona at the time of the accident and, therefore, this exclusion was not, and could not have been, the grounds for denial of Connelly's claim.

2. Contrary to their assertion on page 9 of their Brief, the Connellys did not serve pleadings as prescribed by § 38-77-150(B). This is because § 38-77-150(B) contemplates two separate actions, one in tort against the uninsured motorist, and another in contract against the insurer. Here, the Connellys' declaratory judgment action is an action seeking to establish liability of the insurers under UM endorsements, and not an action seeking to establish Trezona's liability in tort.

Respectfully submitted,



Thomas F. Dougall

✓ Michal Kalwajtys

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Old Dominion Insurance Company

Columbia, South Carolina

February 28, 2018

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Stephany A. Connelly and James M. Connelly,

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v.

The Main Street America Group, Old Dominion Insurance Company,
and Allstate Fire and Casualty Insurance Company,

Appellants.

PROOF OF SERVICE

The undersigned attorney for the Appellants The Main Street America Group and Old Dominion Insurance Company hereby certifies that THE APPELLANTS The Main Street America Group and Old Dominion Insurance Company's NOTICE OF JOINDER IN THE APPELLANT Allstate Fire and Casualty Insurance Company's INITIAL REPLY BRIEF, have been served on all counsel and parties of record, by causing copies of same to be deposited into the United States Mail, addressed as follows:

A. Johnston Cox, Esq.
Janice Holmes, Esq.
Ashley B. Stratton, Esq.
P.O. Box 7368
Columbia, SC 29202
Attorneys for Appellant
Allstate Fire and Casualty Insurance Company

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AND

Benjamin Davis McCoy, Esq.
P.O. Box 12009
Columbia, SC 29211
Attorneys for Respondents

This 28th day of February 2018.

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CERTIFIED MEDIATOR IN SC

WILLIAM A. COLLINS, JR.
MICHAL KALWAJTYS

ADELAIDE DENNIS KLINE
OF COUNSEL

February 28, 2018

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29201

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Re: **Stephany A. Connelly and James Connelly (Respondents) v.**
Old Dominion Insurance Co., et al. (Appellants)
Appellate Case No. 2017-002234
Civil Action No. 2016-CP-40-05885

Dear Madam Clerk:

Enclosed for filing please find the Appellants The Main Street America Group and Old Dominion Insurance Company's Notice of Joinder In the Appellant Allstate Fire And Casualty Insurance Company's Initial Reply Brief, along with the proof of service on all counsel of record, in the above referenced matter.

With kind regards I remain,

Sincerely,



Enc. (as stated)

cc w/enc.: A. Johnston Cox, Esq.
Janice Holmes, Esq.
Ashley B. Stratton, Esq.
John D. Kassel, Esq.
Theile Branham McVey, Esq.
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