

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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APPEAL FROM HORRY COUNTY
Court of Common Pleas

S.C. SUPREME COURT

Clifton Newman, Circuit Court Judge

Trial Court Case No. 2014CP2606573
Trial Court Case No. 2014CP2607634
Appellate Case No. 2017-002146

In Re Motions to Intervene in:

The Harbour Cove Condominium Association, Plaintiff,

v.

Centex Homes, a Nevada General Partnership, Centex Construction Company, Inc., Centex Construction, LLC, Centex-Rooney Construction Co., Inc., Centex-Rodgers, Inc., Balfour Beatty Construction, LLC f/k/a Centex Construction, LLC, Right Way Construction, Inc., Right Way Group, Inc., RWG, Inc., RWGR, Inc., South Carolina State Plastering, LLC, Georgia State Plastering, LLC, Florida State Plastering, LLC, Coastal Drywall, Inc., d/b/a Coastal Plaster Systems, Lundy Dowell d/b/a Coastal Plaster Systems, Martin Masonry, Inc., Roof Doctor of the Carolinas, Inc., Richard Blackwell d/b/a Synthetic Designs, Ferst Plastering, Inc., a/k/a Ferst Exteriors, Inc., Coastal Tinting, Inc., BR Brick & Masonry, Inc., Model Home Interiors, Inc., Gary Hunnell d/b/a Grand Strand Roofing, Steven Bosch d/b/a The Roofer Man, Frank Harris d/b/a Frank Harris Construction, Carl Williamson d/b/a Williamson Construction & Waterproofing, Stock Building Supply, LLC, f/k/a Stock Building Supply, Inc., and Morningstar Consultants, Inc., Defendants,

And

Beach Villas at Ocean Keys Property Owners Association, Inc., Plaintiff,

v.

Ocean Keys Development, LLC, Keye Construction Co., Inc., Russell P. Baltzer, First Exteriors, LLC, CareFree Exteriors Inc., Coastal Stucco, Inc., Richard H. Construction, LLC a/k/a Ricardo Hernandez d/b/a Richard Framing Con., Inc., Builders FirstSource-

Southeast Group, LLC, Steel Homes International, Inc., Renaissance Steel Installation, LLC n/k/a Renaissance Steel, LLC, Benchmark Steel Service, LLC and Dietrich Building Systems n/k/a Clark Western Dietrich Building Systems, LLC, Defendants,

And

Ocean Keys Development, LLC and Keye Construction Co., Inc., Third-Party Plaintiffs,
v.
Renaissance Steel Installation, LLC f/k/a Renaissance Steel, LLC n/k/a Innovative Steel Technologies, Benchmark Steel Erectors, and Total Construction, LLC, Third-Party Defendants.

Of whom Hartford Fire Insurance Company, Hartford Casualty Insurance Company, Hartford Underwriters Insurance Company, Clarendon National Insurance Company as successor in interest to Clarendon America Insurance Company, National Fire & Marine Insurance Company, Bitco General Insurance Corporation, Selective Insurance Company of South Carolina, Nationwide Mutual Insurance Company f/k/a Harleysville Insurance Company, Canopus US Insurance, Inc., and American Empire Surplus Lines Insurance Company are the Appellants,

AND

The Harbour Cove Condominium Association, Beach Villas at Ocean Keys Property Owners Association, Inc., Ocean Keys Development, LLC, Keye Construction Co., Inc., and Russell P. Baltzer are the Respondents.

HARTFORD FIRE INSURANCE COMPANY, HARTFORD CASUALTY
INSURANCE COMPANY, AND HARTFORD UNDERWRITERS INSURANCE
COMPANY'S MOTION IN SUPPORT OF APPLICATION OF STEVEN M.
KLEPPER, ESQUIRE, FOR ADMISSION PRO HAC VICE

In accordance with the South Carolina Appellate Court Rules, Rule 404, the undersigned (“Movants”) respectfully move for the admission *pro hac vice* of Steven M. Klepper, Esquire, of the law firm of Kramon & Graham, P.A., One South Street, Suite 2600, Baltimore, Maryland 21202, (410) 752-6030, for the purposes of a limited appearance as co-counsel on behalf of Hartford Fire Insurance Company, Hartford

Casualty Insurance Company, and Hartford Underwriters Insurance Company (“Hartford”), in the above-styled case and in support thereof states as follows:

1. Steven M. Klepper, Esquire, is not a resident of the State of South Carolina and is not admitted to practice in South Carolina. Mr. Klepper resides in Baltimore, Maryland and is a member in good standing of the Maryland State Bar and United States District Court for the District of Maryland. Mr. Klepper has never been subject to any disciplinary proceedings, disbarred, suspended or otherwise reprimanded for professional misconduct by any court, bar association, or other regulatory body.

2. In accordance with South Carolina Appellate Court Rules, Rule 404, Steven M. Klepper, Esquire, has submitted a verified application, certificate of good standing from the Maryland Bar, and made payment in the amount of \$250 to the Clerk of the South Carolina Supreme Court. Said items are attached hereto as Exhibit “A”.

3. Steven M. Klepper, Esquire, agrees to comply with the provisions of the South Carolina Rules of Professional Conduct and consents to the jurisdiction of the courts and the Bar of the State of South Carolina.

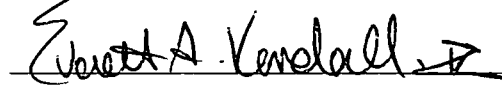
4. Movants, Everett A. Kendall, II, Esquire, and Christy. E. Mahon, Esquire, of Sweeny, Wingate & Barrow, P.A., whose office is located at 1515 Lady Street, Columbia, South Carolina, 29201, are active members in good standing of the South Carolina Bar.

Pursuant to Rule 11, SCRPC, counsel certifies that consultation could not be timely held.

WHEREFORE, Movants respectfully request permission for the appearance for this cause only.

Respectfully submitted,

SWEENEY, WINGATE & BARROW, P.A.



Everett A. Kendall, II, Esquire

Christy E. Mahon, Esquire

151 Lady Street

Post Office Box 12129

Columbia, South Carolina 29211

Attorneys for Hartford Fire Insurance Company, Hartford Casualty Insurance Company, and Hartford Underwriters Insurance Company

Columbia, South Carolina
March 9, 2018

THE STATE OF SOUTH CAROLINA
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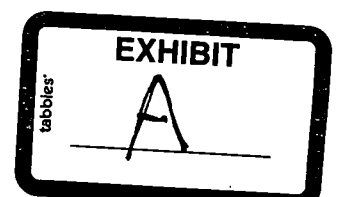
Centex Homes, a Nevada General Partnership, Centex Construction Company, Inc., Centex Construction, LLC, Centex-Rooney Construction Co., Inc., Centex-Rodgers, Inc., Balfour Beatty Construction, LLC f/k/a Centex Construction, LLC, Right Way Construction, Inc., Right Way Group, Inc., RWG, Inc., RWGR, Inc., South Carolina State Plastering, LLC, Georgia State Plastering, LLC, Florida State Plastering, LLC, Coastal Drywall, Inc., d/b/a Coastal Plaster Systems, Lundy Dowell d/b/a Coastal Plaster Systems, Martin Masonry, Inc., Roof Doctor of the Carolinas, Inc., Richard Blackwell d/b/a Synthetic Designs, Ferst Plastering, Inc., a/k/a Ferst Exteriors, Inc., Coastal Tinting, Inc., BR Brick & Masonry, Inc., Model Home Interiors, Inc., Gary Hunnell d/b/a Grand Strand Roofing, Steven Bosch d/b/a The Roofer Man, Frank Harris d/b/a Frank Harris Construction, Carl Williamson d/b/a Williamson Construction & Waterproofing, Stock Building Supply, LLC, f/k/a Stock Building Supply, Inc., and Morningstar Consultants, Inc., Defendants,

And

Beach Villas at Ocean Keys Property Owners Association, Inc., Plaintiff,

v.

Ocean Keys Development, LLC, Keye Construction Co., Inc., Russell P. Baltzer, First Exteriors, LLC, CareFree Exteriors Inc., Coastal Stucco, Inc., Richard H. Construction, LLC a/k/a Ricardo Hernandez d/b/a Richard Framing Con., Inc., Builders FirstSource-



Southeast Group, LLC, Steel Homes International, Inc., Renaissance Steel Installation, LLC n/k/a Renaissance Steel, LLC, Benchmark Steel Service, LLC and Dietrich Building Systems n/k/a Clark Western Dietrich Building Systems, LLC, Defendants,

And

Ocean Keys Development, LLC and Keye Construction Co., Inc., Third-Party Plaintiffs,
v.

Renaissance Steel Installation, LLC f/k/a Renaissance Steel, LLC n/k/a Innovative Steel Technologies, Benchmark Steel Erectors, and Total Construction, LLC, Third-Party Defendants.

Of whom Hartford Fire Insurance Company, Hartford Casualty Insurance Company, Hartford Underwriters Insurance Company, Clarendon National Insurance Company as successor in interest to Clarendon America Insurance Company, National Fire & Marine Insurance Company, Bitco General Insurance Corporation, Selective Insurance Company of South Carolina, Nationwide Mutual Insurance Company f/k/a Harleysville Insurance Company, Canopus US Insurance, Inc., and American Empire Surplus Lines Insurance Company are the Appellants,

AND

The Harbour Cove Condominium Association, Beach Villas at Ocean Keys Property Owners Association, Inc., Ocean Keys Development, LLC, Keye Construction Co., Inc., and Russell P. Baltzer are the Respondents.

PRO HAC VICE APPLICATION

NOW COMES Steven M. Klepper, applicant herein, and respectfully represents the following:

1. Applicant resides at: 2921 Guilford Avenue, Baltimore, Maryland 21218.
2. Applicant is an attorney and a member of the law firm of Kramon &

Graham, P.A., One South Street, Suite 2600, Baltimore, Maryland 21202, 410-752-6030 (office), 410-539-1269 (facsimile).

3. Applicant has been retained personally or as a member of the above named law firm by Hartford Fire Insurance Company, Hartford Casualty Insurance Company, and Hartford Underwriters Insurance Company to provide legal representation in connection with the above case now pending before the above-named court of the State of South Carolina.

4. Since 2001 applicant has been, and presently is, a member in good standing of the bar of the highest court of Maryland where applicant regularly practices law. Attached is a certificate of good standing.

5. Applicant is admitted to practice before the following courts:

- A. Maryland Court of Appeals;
- B. District of Columbia Court of Appeals;
- C. United States District Court for the District of Maryland;
- D. United States District Court for the District of Columbia;
- E. United States District Court for the Western District of Texas;
- F. United States District Court for the Western District of Tennessee;
- G. United States Court of Appeals for the District of Columbia Circuit;
- H. United States Court of Appeals for the Third Circuit;
- I. United States Court of Appeals for the Fourth Circuit;
- J. United States Court of Appeals for the Eighth Circuit;
- K. United States Court of Appeals for the Ninth Circuit;
- L. United States Court of Appeals for the Eleventh Circuit; and
- M. Supreme Court of the United States

Applicant is presently a member in good standing of the bars of those courts listed above.

6. Applicant presently is not subject to any suspension or disbarment proceedings, and has not been formally notified of any complaints pending before a disciplinary agency.

7. Applicant never has had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked.

8. Applicant has never had any certificate or privilege to appear and practice before any administrative body suspended or revoked.

9. Local counsel of record associated with applicant in this case is Everett A. Kendall, II, and Christy E. Mahon of Sweeny, Wingate & Barrow, P.A., 1515 Lady Street, Post Office Box 12129, Columbia, South Carolina 29211, County of Richland, Telephone number: (803) 256-2233.

10. Applicant has previously filed an application to appear *pro hac vice* in the following South Carolina cases:

None in the courts of the State of South Carolina.

Hendrick Automotive Group v. Hartford Fire Insurance Co., Case No. 2:16-cv-1073-RMG, in the U.S. District Court for the District of South Carolina

Status: Dismissed with prejudice, October 28, 2016

Date of Application: May 31, 2016

Local Counsel: Morgan S Templeton, Wall Templeton & Haldrup, P.A.

Motion Granted: June 2, 2016

Hartford Fire Insurance Company v. Harleysville Mutual Insurance Co., in the U.S. District Court for the District of South Carolina, No. 2:11-cv-03081-RMG

Status: Dismissed, May 21, 2012

Date of Application: December 16, 2011

Local Counsel: Morgan S Templeton, Wall Templeton & Haldrup, P.A.

Motion Granted: December 20, 2011

11. Applicant agrees to comply with the applicable statutes, laws and rules of the State of South Carolina and will familiarize himself with and comply with the South Carolina Rules of Professional Conduct. Applicant consents to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct.

12. Applicant respectfully requests to be admitted to practice in the above named court for this case only.

DATED this 8 day of March, 2018.



Steven M. Klepper

VERIFICATION

I, Steven M. Klepper, do hereby swear or affirm under penalty of perjury that I am the applicant in the above styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true.


Steven M. Klepper

Subscribed and sworn to be me on this 8th day of March, 2018.

Constance J. Davis

Notary Public for the State of Maryland, Harford County

My Commission Expires: 11-30-2018

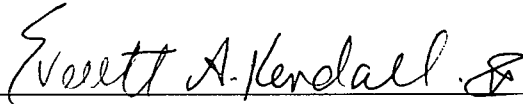
CONSTANCE T. DAVIS
Notary Public
State of Maryland
Harford County

LOCAL COUNSEL CONSENT

I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

DATED this 9 day of March, 2018.

SWEENEY, WINGATE & BARROW, P.A.



Everett A. Kendall, II
1515 Lady Street
Post Office Box 12129
Columbia, South Carolina 29211

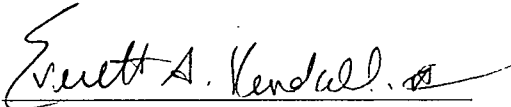
*Attorney for Appellants
Hartford Fire Insurance Company, Hartford Casualty
Insurance Company, and Hartford Underwriters
Insurance Company*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 9 day of March, 2018, a true copy of this application has been served upon the South Carolina Supreme Court via hand delivery and opposing counsel by mailing a copy properly addressed with sufficient postage affixed thereto as follows:

South Carolina Supreme Court Office of Bar Admissions, P.O. Box 11330, Columbia, South Carolina 29211, accompanied by payment of the \$250 filing fee payable to the South Carolina Supreme Court

Counsel of Record


Everett A. Kendall, II

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**Court Of Appeals
of Maryland**
Annapolis, MD



CERTIFICATE OF GOOD STANDING

STATE OF MARYLAND, ss:

*I, Bessie M. Decker, Clerk of the Court of Appeals of Maryland,
do hereby certify that on the twelvth day of December, 2001,*

Steven Michael Klepper

*having first taken and subscribed the oath prescribed by the Constitution and
Laws of this State, was admitted as an attorney of said Court, is now in good
standing, and as such is entitled to practice law in any of the Courts of said
State, subject to the Rules of Court.*

In Testimony Whereof, *I have hereunto
set my hand as Clerk, and affixed the Seal
of the Court of Appeals of Maryland, this
twelvth day of December, 2017.*

Bessie M. Decker

Clerk of the Court Of Appeals of Maryland