

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

Appellate Case No. 2017-002234

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SC Court of Appeals

Stephany A. Connelly and James M. Connelly,

Plaintiffs,

v.

The Main Street America Group, Old Dominion Insurance Company,
Allstate Fire and Casualty Insurance Company, Debbie Cohn,
and Freya Trezona

Defendants,

Of which Allstate Fire and Casualty Insurance Company, The Main Street America
Group, Old Dominion Insurance Company are the Appellants,

And

Stephany A. Connelly and James M. Connelly are the Respondents.

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
FINAL REPLY BRIEF

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Old Dominion Insurance Company

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v.

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Allstate Fire and Casualty Insurance Company, Debbie Cohn,
and Freya Trezona Defendants,

Of which Allstate Fire and Casualty Insurance Company, The Main Street America
Group, Old Dominion Insurance Company are the Appellants,

And

Stephany A. Connelly and James M. Connelly are the Respondents.

THE APPELLANTS

**The Main Street America Group and Old Dominion Insurance Company's
NOTICE OF JOINDER IN THE APPELLANT
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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.

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NOTICE OF JOINDER IN THE APPELLANT
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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 an *employee of that 'insured'* during the course of employment." (R. pp. 82–83.) (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.

The undersigned certifies compliance with the requirements of Rule 211(b), SCARC.

Respectfully submitted,



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March 30, 2018