

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal from Richland County
Court of Common Pleas

G. Thomas Cooper, Jr., Circuit Court Judge

Appellate Case No. 2016-000192
Circuit Court Case No. 2014-CP-40-0313

RECEIVED

JUN 21 2018

SC Court of Appeals

Raymond G. Farmer, as Director
of the South Carolina Department of Insurance,

Petitioner,

v.

CAGC Insurance Company, in Liquidation,

Respondent.

South Carolina Property and Casualty Insurance
Guaranty Association,

Appellant,

v.

CAGC Insurance Company, in Liquidation; Raymond G. Farmer,
in his capacity as Ancillary Receiver of CAGC Insurance
Company, in Liquidation; and CompTrustAGC of South Carolina
a/k/a CompTrustAGC of South Carolina, Inc.,

Respondents.

**MOTION FOR SECOND EXTENSION OF TIME
TO PETITION FOR REHEARING**

YOUNG CLEMENT RIVERS, LLP
Michael A. Molony (SC Bar No. 4026)
T. Douglas Concannon (SC Bar No. 66316)
Russell G. Hines (SC Bar No. 72100)
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
(843) 720-5488

Attorneys for Respondent CompTrust

NOW COMES Respondent CompTrustAGC of South Carolina a/k/a CompTrustAGC of South Carolina, Inc. (“CompTrust”), by and through its undersigned counsel, pursuant to Rule 263(b), SCACR,¹ and, on the grounds set forth below, hereby moves this Honorable Court for a second extension of fifteen (15) days’ time to petition for rehearing of this matter, which the Court decided via opinion filed May 23, 2018. *See S.C. Prop. & Cas. Ins. Guar. Assoc. v. CAGC Ins. Co.*, Op. No. 5562 (S.C. Ct. App. filed May 23, 2018) (Shearhouse Adv. Sh. No. 21 at 104).

1. Rule 221(a), SCACR, provides, “Petitions for rehearing must be actually received by the appellate court no later than fifteen (15) days after the filing of the opinion, order, judgment, or decree of the court.”

2. Since the Court’s opinion was filed May 23, 2018, the original deadline to petition for rehearing of this matter was the close of business on Thursday, June 7, 2018, i.e., the 15th day after Wednesday, May 23, 2018, as computed in accordance with Rule 263(a).²

¹ Under Rule 263(b), “[t]he time prescribed by the[] [South Carolina Appellate Court] Rules for performing any act except the time for serving the notice of appeal under Rules 203 and 243 may be extended . . . by the appellate court, or by any judge or justice thereof.”

² Under Rule 263(a), “[i]n computing any period of time prescribed or allowed by these Rules, by order of court, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included[,]” but “[t]he last day of the period so computed is to be

3. On CompTrust's first motion for an extension, the Court, by order filed June 8, 2018, extended the time for serving and filing a petition for rehearing until Friday, June 22, 2018, the present deadline.

4. On account of work-related and other time commitments (including those associated with a recent family vacation from June 12–17, 2018), the undersigned requests that the present deadline to petition for rehearing be extended by 15 days, i.e., from Friday, June 22, 2018, to Monday, July 9, 2018.³

5. The undersigned submits that, under the circumstances, there exists good cause for the Court to grant the relief requested herein, such relief constituting a reasonable dispensation, timely sought, consistent with the interests of justice, and posing no threat of undue prejudice to any other party.

WHEREFORE, CompTrust requests that the Court grant a 15-day extension of the present deadline to petition for rehearing of this matter, i.e., an extension of the deadline to petition for rehearing through July 9, 2018. ADDITIONALLY, CompTrust requests that the Court hold the present deadline to petition for rehearing in abeyance (and not send down the remittitur) until the Court acts on

included, unless it is a Saturday, Sunday or a state or federal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor such holiday.”

³ Computed in accordance with Rule 263(a), the last day of the 15-day period of time after Friday, June 22, 2018, is *Saturday*, July 7, 2018; thus, this time period runs until Monday, July 9, 2018, i.e., the “next day which is neither a Saturday, Sunday, nor [legal] holiday.”

this motion.

Respectfully submitted,
YOUNG CLEMENT RIVERS, LLP

By: 

Michael A. Molony (SC Bar No. 4026)
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Attorneys for Respondent CompTrust

Charleston, South Carolina

Dated: 6/21/18

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in his capacity as Ancillary Receiver of CAGC Insurance
Company, in Liquidation; and CompTrustAGC of South Carolina
a/k/a CompTrustAGC of South Carolina, Inc.,

Respondents.

PROOF OF SERVICE

YOUNG CLEMENT RIVERS, LLP
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Attorneys for Respondent CompTrust

I, Russell G. Hines, of Young Clement Rivers, LLP, counsel for Respondent CompTrustAGC of South Carolina a/k/a CompTrustAGC of South Carolina, Inc., hereby certify that the foregoing **MOTION FOR SECOND EXTENSION OF TIME TO PETITION FOR REHEARING** was served on all other parties to this matter by depositing a copy of same in the U.S. Mail on June 21, 2018, properly posted for delivery to the following addressees:

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A. Mattison Bogan, Esquire
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CAGC Insurance Company, in Liquidation

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Attorney for Respondent
Raymond G. Farmer, in his capacity as Ancillary Receiver
Of CAGC Insurance Company, in Liquidation

<SIGNED ON THE FOLLOWING PAGE>

Respectfully submitted,
YOUNG CLEMENT RIVERS, LLP

By:



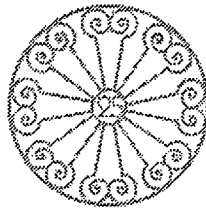
Russell G. Hines (SC Bar No. 72100)

Attorneys for Respondent CompTrust

Charleston, South Carolina

Dated:

~~6/24/18~~



YCR LAW

Kathleen B. Barnes
Secretary

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June 21, 2018

VIA FED EX, US MAIL AND FASCIMILE

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

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JUN 21 2018

SC Court of Appeals

Re: Appellate Case No. 2016-000192
Case No.: 14-CP-40-0313
YCR File: 15140-20130673

Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of a Motion for Second Extension of Time to Petition for Rehearing, the original and one (1) copy of the Proof of Service of same and our firm's check in the amount of \$25.00 representing the filing fee. Please file the originals and return a court-stamped copy of each document to me in the enclosed envelope provided.

With best wishes and kindest regards, I am

Sincerely,

YOUNG CLEMENT RIVERS, LLP

Kathleen B. Barnes
Secretary

Enclosures

(all via US Mail and email)

Cc: Howard A. VanDine, III, Esquire, Nelson Mullins Riley & Scarborough, LLP
A. Mattison Bogan, Esquire, Nelson Mullins Riley & Scarborough, LLP
Erik T. Norton, Esquire, Nelson Mullins Riley & Scarborough, LLP
Geoffrey Ross Bonham, Esquire, South Carolina Department of Insurance

(via US Mail only)

David W. Boone, Esquire, North Carolina Department of Justice

