

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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CERTIFIED QUESTION FROM THE UNITED STATES COURT OF  
APPEALS FOR THE FOURTH CIRCUIT

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Appellate Case No. 2018-001170

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In re: Mt. Hawley Insurance Company..... Petitioner,

v.

Contravest, Inc., Contravest Construction Company, and  
Plantation Point Horizontal Property Regime, ..... Respondents.

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**MOTION TO HOLD BRIEFING SCHEDULE IN ABEYANCE PENDING THE  
COURT’S RESOLUTION OF RESPONDENTS’ MOTION TO RECONSIDER,  
ALTER, OR AMEND THE CERTIFIED QUESTION**

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This Court accepted the Fourth Circuit’s Certified Question via Order dated August 9, 2018. On August 23, 2018, Respondents served a Motion to Reconsider, Alter, or Amend the Certified Question or in the Alternative Rescind Certification. In that motion, Respondents requested that the Court either alter the question presented or rescind its order entirely. Respondents, however, did not request that the briefing schedule be held in abeyance pending the Court’s ruling on their motion.

The relief requested by Respondents necessarily warrants placing the merits briefing on hold. Petitioner vehemently disagrees with Respondents’ motion and asserts that the question presented is proper and should be briefed as written. Nevertheless, if the Court were to grant Respondents’ motion, it could significantly alter the relevant analysis and would require different merits discussion.

Pursuant to Rule 240(b), only motions to dismiss the appeal or to relieve counsel provide for automatic stay of the time limits imposed by the Rules. Therefore, Respondents’ motion did

not automatically suspend the briefing schedule. In light of this, Appellant respectfully requests the Court issue an Order confirming that the briefing schedule will be held in abeyance pending its ruling on Respondents' motion. Appellant requests that it be given 30 days from the date of the Court's Order on Respondents' motion in which to file and serve its opening brief.

Respectfully submitted,

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September 14, 2018

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**S.C. SUPREME COURT**

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PROOF OF SERVICE

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I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Petitioner, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:                   **Motion to Hold Briefing Schedule in Abeyance Pending the Court's Resolution of Respondents' Motion to Reconsider, Alter, or Amend the Certified Question**

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September 14, 2018

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001882/01503

