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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

FEB 12 2019

S.C. SUPREME COURT

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

Appellate Case No. 2018-001170

In re Mt. Hawley Insurance CompanyPetitioner,

In Which Contravest, Inc., Contravest Construction Company, and Plantation
Pointe Horizontal Property Regime, as assignees, areRespondents.

MOTION FOR LEAVE TO FILE *AMICI CURIAE* BRIEF OF THE AMERICAN
PROPERTY CASUALTY INSURANCE ASSOCIATION AND THE SOUTH
CAROLINA INSURANCE ASSOCIATION IN SUPPORT OF PETITIONER
MT. HAWLEY INSURANCE COMPANY

The American Property Casualty Insurance Association (“APCIA”) and the South Carolina Insurance Association (“SCIA,” collectively “Amici”) respectfully seek leave of the Court to appear as *amici curiae* pursuant to Rule 213, SCACR. This application is accompanied by the Amici’s Brief of *Amici Curiae*, a copy of which is attached as Exhibit A. In support of this motion, Amici respectfully show the Court as follows:

INTEREST OF THE AMICI CURIAE

APCIA is the preeminent national trade association representing property and casualty insurers doing business in South Carolina, nationwide, and globally. APCIA was recently formed through a merger of two longstanding trade associations, American Insurance Association and Property Casualty Insurers Association of America. APCIA’s

members, which range from small companies to the largest insurers with global operations, represent nearly 60% of the U.S. property and casualty marketplace. On issues of importance to the property and casualty industry and marketplace, APCIA advocates sound public policies on behalf of its members in legislative and regulatory forums at the state and federal levels and files amicus curiae briefs in significant cases before federal and state courts. This allows APCIA to share its broad national perspectives with the judiciary on matters that shape and develop the law. APCIA's interests are in the clear, consistent, and reasoned development of law that affects their members and the policyholders they insure.

SCIA represents many of the leading property and casualty insurance companies that are writing business in South Carolina. SCIA has 42 Members and Associates, collectively representing more than 60% of the State's property and casualty market.

SCIA serves as the voice for the property and casualty industry in South Carolina and promotes consumer awareness on issues of importance. SCIA focuses on coordinating the insurance industry's advocacy, communication, research, and education efforts. SCIA promotes a competitive environment while seeking to further the understanding of the property/casualty insurance industry to regulators, lawmakers, consumers, and other interested groups.

This case is of importance to Amici because Respondents seek to eviscerate the long-established public policy of protecting the communications between a client and its attorney.

The Amici's brief urges this Court to find that South Carolina's jurisprudence and public policy does not support a waiver of the attorney-client privilege merely because

the client insurer seeks to defend itself against the claims brought by its insured or third parties.

For the foregoing reasons, Amici respectfully request that this Honorable Court grant leave to present an amici curiae brief. The copy of the brief attached as Exhibit A is being conditionally filed with this Motion in accordance with Rule 213, SCACR.

Respectfully submitted,

GALLIVAN WHITE & BOYD, P.A.

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ASSOCIATION

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PROOF OF SERVICE

I certify that I have served the foregoing on counsel of record by depositing a copy of same in the United States Mail, postage prepaid, on February 12, 2019, addressed to their attorneys of record as follows:

1. Motion for Leave to File *Amici Curiae* Brief of The American Property Casualty Insurance Association and The South Carolina Insurance Association in Support of Petitioner Mt. Hawley Insurance Company
2. Brief of *Amici Curiae* The American Property Casualty Insurance Association and The South Carolina Insurance Association in Support of Petitioner Mt. Hawley Insurance Company

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