



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

January 02, 2013

VIA US Mail and Email

Mr. Charles R. Norris
PO Box 1806
Charleston SC 29402

Mr. Bernard McIntyre
PO Box 248
Beaufort SC 29901-0248

Re: Green, Dorris v. US Automobile Assoc.
Appellate Case No. 2011-197648

Dear Counsel:

The Court of Appeals has requested certification in the above matter from the Supreme Court. **Therefore oral argument scheduled for January 9, 2013, is cancelled.** Counsel will be notified of the action that is taken by the Supreme Court on the certification request.

Very truly yours,

A handwritten signature in cursive script that reads "Jenny A. Kitchings".

CLERK

Jan 2013 case



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

October 11, 2012

Mr. Charles R. Norris
PO Box 1806
Charleston SC 29402

Mr. Bernard McIntyre
PO Box 248
Beaufort SC 29901-0248

Re: Green, Dorris v. US Automobile Assoc.
Appellate Case No. 2011-197648

Dear Counsel:

Due to a conflict, this case will not be heard on Monday, October 29, 2012. It will be placed on the January 2013 term of court and you will be notified of the dates of the term shortly.

Very truly yours,

V. Claire Allen

DEPUTY CLERK

5

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP

Attorneys and Counselors at Law

151 Meeting Street / Sixth Floor / Charleston, SC 29401-2239

Tel: 843.853.5200 Fax: 843.720.4352

www.nelsonmullins.com

Conflicts

Charles R. Norris

Tel: 843.720.4303

Fax: 843.720.4352

charles.norris@nelsonmullins.com

July 3, 2012

V. Claire Allen
Deputy Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: Dorris W. Green, Jr., as Guardian ad Litem for Inman G., a minor vs. United Services Automobile Association Auto and Property Insurance Company
Court of Appeals No. 2011197648
ALIS No. 2010-11428
Our File No. 00125/02135

Dear Claire:

Regarding your letter of July 2, 2012 regarding dates in October during which the Court will hold arguments on this case, I would appreciate your not holding arguments on October 17 or October 18 as I have to be in Orlando to attend a conference. The other dates for oral argument - October 1, 2, 3, 4 or 16 are fine with my schedule.

Very truly yours,



Charles R. Norris

CRN:ehartley

cc: Bernard McIntyre, Esquire (via regular mail)

RECEIVED

JUL 05 2012

SC Court of Appeals



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

July 02, 2012

Mr. Charles R. Norris
PO Box 1806
Charleston SC 29402

Mr. Bernard McIntyre
PO Box 248
Beaufort SC 29901-0248

Re: Green, Dorris v. US Automobile Assoc.
Appellate Case No. 2011-197648
Dear Counsel:

This case will likely be considered during October, 2012. The Court will hold arguments on October 1, 2, 3, 4, 16, 17 and 18, 2012. If you have a scheduling conflict with any of these dates, please advise the Court of the specific nature of that conflict by July 17, 2012.

Very truly yours,

V. Claire Allen, Deputy

CLERK

]

Law Office of Bernard McIntyre

1606 King Street Post Office Box 248 Beaufort, South Carolina 29901-0248

Bernard McIntyre, Esquire

(843) 524-9040

FAX (843) 524-7152

bmclawfirm@embarqmail.com

March 13, 2012

The Hon. Tanya A. Gee
Clerk, S.C. Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: Appellant's Corrected Final Brief and Proof of Service in Dorris W. Green, Jr., as Guardian
ad Litem of Inman G. v. USAA Case Tracking No. 2011197648

Dear Ms. Gee:

Enclosed please find for filing the original and fifteen copies of Appellant's Corrected Final Brief and the original and one (1) copy of a Proof of Service in the matter referenced above.

I would appreciate your returning one (1) filed copy of the Proof of Service to me in the self-addressed, stamped envelope.

With kind regards, I am

Yours truly,


Bernard McIntyre, Esquire

BMc

Cc: Charles R. Norris, Esquire, Nelson Mullins Riley & Scarborough, LLP, w/enclos
S.C. Court Administration, w/enclos

RECEIVED
MAR 16 2012
SC Court of Appeals



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

March 8, 2012

Bernard McIntyre, Esquire
Law Office of Bernard McIntyre
PO Box 248
Beaufort, SC 29901

Re: Green, Dorris v. US Automobile Assoc.
2011197648

Dear Counsel:

We have received your letter dated February 17, 2012 regarding the above case. However, our staff does not have the capability of rebinding your brief in order to include this corrected page. Therefore, you may serve and file a corrected brief or you may have someone from your office come to the 1st floor of the Edgar A. Brown Building and make the corrections in the brief previously filed with this Court, within ten days of the date of this letter.

Very truly yours,

V. Claire Allen, Deputy
CLERK

TAG/laf

cc: Charles R. Norris, Esquire

Law Office of Bernard McIntyre

1606 King Street Post Office Box 248 Beaufort, South Carolina 29901-0248

Bernard McIntyre, Esquire

(843) 524-9040

FAX (843) 524-7152

bmclawfirm@embarqmail.com

February 17, 2012

RECEIVED

FEB 22 2012

SC Court of Appeals

The Hon. Tanya A. Gee
Clerk, S.C. Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: Corrected Page 2 of Appellant's Final Brief and Proof of Service in Dorris W. Green, Jr.,
as Guardian ad Litem of Inman G. v. USAA
Case Tracking No. 2011197648

Dear Ms. Gee:

Enclosed please find for filing the original and fifteen (15) copies of Corrected Page 2 of Appellant's Final Brief and Proof of Service in the matter referenced above. Line 4 on Page 2 was corrected to remedy the inadvertent reference to Ms. Green's deposition as support for her statement about the length of the marriage instead referencing the Transcript of Record since all references in briefs to testimony should be to the Transcript of Record.

Instead of Line 4 Page 2 reading "Linda Green Deposition, p. 17", the Corrected Page reads "R. p. 49. This is the only change or correction.

I have also attached an extra copy of the Corrected Page 2 and Proof of service and would appreciate your returning one (1) filed copy of same to me in the self-addressed, stamped envelope.

With kind regards, I am

Yours truly,


Bernard McIntyre, Esquire

BMc

Cc: Charles R. Norris, Esquire, Nelson Mullins Riley & Scarborough, LLP, w/enclos
S.C. Court Administration, w/enclos

Law Office of Bernard McIntyre

1606 King Street Post Office Box 248 Beaufort, South Carolina 29901-0248

Bernard McIntyre, Esquire

(843) 524-9040

FAX (843) 524-7152

bmclawfirm@embarqmail.com

February 8, 2012

The Hon. Tanya A. Gee
Clerk, S.C. Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: Proof of Service of Record on Appeal in Dorris W. Green, Jr., as Guardian ad Litem of
Inman G. v. USAA
Case Tracking No. 2011197648

Dear Ms. Gee:

Enclosed please find for filing the original and fourteen copies of Appellant's Final Brief, fifteen (15) copies of the Record on Appeal, and the original of a Certificate of Counsel and Proof of Service in the matter referenced above.

I have also attached a copy of the Certificate of Counsel and Proof of Service and would appreciate your returning one (1) filed copy of same to me in the self-addressed, stamped envelope.

With kind regards, I am

Yours truly,


Bernard McIntyre, Esquire

BMc

RECEIVED

FEB 13 2012

SC Court of Appeals

Cc: Charles R. Norris, Esquire, Nelson Mullis Kenney & Scarborough, LLP, w/enclos
S.C. Court Administration, w/enclos

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP

Attorneys and Counselors at Law
151 Meeting Street / Sixth Floor / Charleston, SC 29401-2239
Tel: 843.853.5200 Fax: 843.720.4352
www.nelsonmullins.com

Charles R. Norris
Tel: 843.720.4303
Fax: 843.720.4352
charles.norris@nelsonmullins.com

February 8, 2012

RECEIVED
FEB 09 2012
SC Court of Appeals

Via Federal Express

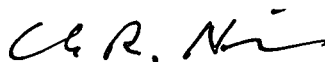
Tanya Gee, Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

RE: Dorris W. Green, Jr., as Guardian ad Litem for Inman G., a minor vs. United Services Automobile Association Auto and Property Insurance Company
Court of Appeals No. 2011197648
ALIS No. 2010-11428
Our File No. 00125/02135

Dear Ms. Gee:

Pursuant to SCACR 211 enclosed for filing is an original unbound Final Brief of the Respondent along with 16 bound copies of the Final Brief. Please stamp the extra bound copy of the Final Brief as having been filed and return it in the enclosed, self addressed, stamped envelope. Also enclosed for filing is Proof of Service of a copy of the Final Brief to counsel for the plaintiff - Appellant.

Very truly yours,



Charles R. Norris

CRN:ehartley
Enclosure

cc: Bernard McIntyre, Esquire (via Federal Express w/enclosure)



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

February 3, 2012

Bernard McIntyre, Esquire
Law Office of Bernard McIntyre
PO Box 248
Beaufort, SC 29901

Charles R. Norris, Esquire
Nelson Mullins Riley & Scarborough
P.O. Box 1806
Charleston, SC 29402

Re: Green, Dorris v. US Automobile Assoc.
2011197648

Dear Counsel:

All parties are advised that the originals of all records on appeal and final briefs filed with the appellate courts are scanned. Therefore, in accordance with the May 1, 2008 Amendments to the South Carolina Appellate Court Rules, DO NOT staple, spiral bind, velobind, or otherwise permanently bind the ORIGINALS of these documents. The original brief(s) and record on appeal should still have front and back covers in compliance with Rule 267(e) of the South Carolina Appellate Court Rules, but should not be bound. You may secure the originals with paper clips, binder clips, rubber bands, by placing them in large envelopes, or by any other similar means that will keep the pages together without binding or hole-punching. All COPIES of the record on appeal and final briefs should be bound as specified in the South Carolina Appellate Court Rules.

You are reminded that the Court of Appeals policy requires the firm name of any counsel shown must be included in his or her address.

Furthermore, the lower court case number should appear on the cover of the briefs and record. The tracking number is used for internal purposes only. Any future filings from any party must include the lower court case number.

We suggest that large parcels such as copies of final briefs and the Record On Appeal be sent directly to the Court via the street address: 1205 Pendleton Street, Columbia, S.C. 29201. Thank you for your attention to this.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

V. Claire Allen, Deputy
CLERK

Law Office of Bernard McIntyre

1606 King Street Post Office Box 248 Beaufort, South Carolina 29901-0248

Bernard McIntyre, Esquire

(843) 524-9040

FAX (843) 524-7152

bmclawfirm@embarqmail.com

January 31, 2012

The Hon. Tanya A. Gee
Clerk, S.C. Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: Proof of Service of Record on Appeal in Dorris W. Green, Jr., as Guardian ad Litem of
Inman G. v. USAA
Case Tracking No. 2011197648

Dear Ms. Gee:

Enclosed please find for filing the original of the Proof of Service of the Record on Appeal on
Respondent's counsel, Charles R. Norris, Esquire.

I have also attached a copy of the Proof of Service and would appreciate your returning one (1) filed
copy of same to me in the self-addressed, stamped envelope.

With kind regards, I am

Yours truly,

Bernard McIntyre, Esquire

BMc

Cc: Charles R. Norris, Esquire, Nelson Mullins Riley & Scarborough, LLP, w/enclos
S.C. Court Administration, w/enclos

RECEIVED

FEB 02 2012

SC Court of Appeals

Law Office of Bernard McIntyre

1606 King Street / Post Office Box 248
Beaufort, South Carolina 29901-0248

Bernard McIntyre, Esquire

(843) 524-9040
Fax (843) 524-7152

December 31, 2011

The Hon. Tanya A. Gee
Clerk, S.C. Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: Notice of Receipt of Transcript of Record in Dorris W. Green, Jr., as Guardian ad Litem of
Inman G. v. USAA
Case Tracking No. 2011197648

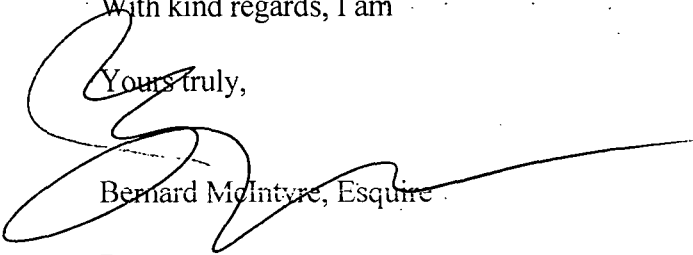
Dear Ms. Gee:

In follow up to your December 29 correspondence, the Transcript of Record was received by Appellant's counsel, Bernard McIntyre, on November 10, 2011.

By copy of this correspondence to Charles R. Norris, Esquire, of Nelson Mullins Riley & Scarborough, LLP, I am noticing him when we received the transcript.

With kind regards, I am

Yours truly,


Bernard McIntyre, Esquire

BMc

Cc: Charles R. Norris, Esquire, Nelson Mullins Riley & Scarborough, LLP
S.C. Court Administration

RECEIVED

JAN 04 2012

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY

Court of Common Pleas

Carmen T. Mullen, Circuit Court Judge

Case No. 2010-CP-07-5078

RECEIVED

JAN 03 2012

SC Court of Appeals

Dorris W. Green, Jr. as Guardian Ad Litem for Inman G., a minor, Appellant,

v.

United Services Automobile Association, Respondent.

RESPONDENT'S DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

The Respondent requests that the following documents be included in the Record on Appeal:

1. The entire insurance policy upon which the plaintiff's claim is based - policy number 02219 99 87U 7102 3 - this document is Exhibit 1 to the deposition of Dorris W. Green, Jr.;
2. The plaintiff's complaint dated October 15, 2010;
3. The plaintiff's amended complaint dated October 21, 2010;

4. The defendant's answer dated November 22, 2010 to the amended complaint;
5. The defendant's motion for summary judgment dated March 7, 2011 and the certified copy of the policy attached to and referenced in that motion;
6. The defendant's memorandum dated May 27, 2011 in support of its motion for summary judgment;
7. The plaintiff's memorandum dated May 27, 2011 in opposition to the defendant's motion for summary judgment;
8. The transcript of the hearing on June 6, 2011 before Judge Carmen Mullen on the defendant's motion for summary judgment;
9. The order of Judge Carmen Mullen dated June 23, 2011 granting the defendant's motion for summary judgment;
10. The deposition of Linda Green pages 19, 20, and 37.

I hereby certify pursuant to SCACR 209(c) that this designation contains no matter which is irrelevant to this appeal.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: Charles R. Norris

Charles R. Norris
SC Bar No. 004238
E-Mail: charles.norris@nelsonmullins.com
151 Meeting Street / Sixth Floor
Post Office Box 1806 (29402-1806)
Charleston, SC 29401-2239
(843) 853-5200

Counsel for Respondent

Charleston, South Carolina

December 30, 2011

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY

Court of Common Pleas

Carmen T. Mullen, Circuit Court Judge

RECEIVED

JAN 03 2012

Case No. 2010-CP-07-5078

SC Court of Appeals

Dorris W. Green, Jr. as Guardian Ad Litem for Inman G., a minor, Appellant,

v.

United Services Automobile Association, Respondent.

PROOF OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, counsel for USAA, 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 addresses:

Pleadings: RESPONDENT'S DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

Counsel Served: Bernard McIntyre, Esquire
Law Office of Bernard McIntyre
1606 King Street/P.O. Box 248
Beaufort, SC 29901-0248

Counsel for Plaintiffs

Kayce D. Smoak, Certified ALS
Administrative Assistant

December 30, 2011

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY

Court of Common Pleas

Carmen T. Mullen, Circuit Court Judge

Case No. 2010-CP-07-5078

RECEIVED

JAN 03 2012

SC Court of Appeals

Dorris W. Green, Jr. as Guardian Ad Litem for Inman G., a minor,

Appellant,

v.

United Services Automobile Association,

Respondent.

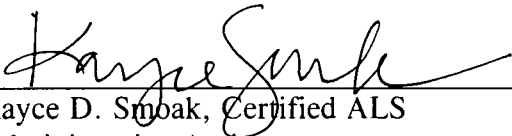
PROOF OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, counsel for USAA, 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 addresses:

Pleadings: INITIAL BRIEF OF RESPONDENT

Counsel Served: Bernard McIntyre, Esquire
Law Office of Bernard McIntyre
1606 King Street/P.O. Box 248
Beaufort, SC 29901-0248

Counsel for Plaintiffs



Kayce D. Smoak, Certified ALS
Administrative Assistant

December 30, 2011

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP

Attorneys and Counselors at Law
151 Meeting Street / Sixth Floor / Charleston, SC 29401-2239
Tel: 843.853.5200 Fax: 843.720.4352
www.nelsonmullins.com

Charles R. Norris
Tel: 843.720.4303
Fax: 843.720.4352
charles.norris@nelsonmullins.com

December 30, 2011

Via Federal Express

Tanya Gee, Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

RECEIVED
JAN 03 2012
SC Court of Appeals

RE: Dorris W. Green, Jr., as Guardian ad Litem for Inman G., a minor vs. United Services Automobile Association Auto and Property Insurance Company
Court of Appeals No. 2011197648
ALIS No. 2010-11428
Our File No. 00125/02135

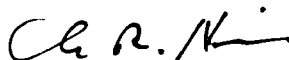
Dear Ms. Gee:

Pursuant to SCACR 208(a)(2), enclosed for filing is the Initial Brief of Respondent. We are enclosing an additional copy of the Respondent's Initial Brief and we would appreciate your marking the copy as having been filed and returning it in the enclosed self-addressed, stamped envelope.

Pursuant to SCACR 209(a), we are also enclosing for filing a Designation by Respondent of Matter to be Included in the Record on Appeal. We are also enclosing an additional copy of the Designation of Matter to be Included in the Record on Appeal and would appreciate your marking that as having been filed and returning the filed copy in the enclosed self-addressed, stamped envelope.

Also enclosed for filing is a Proof of Service.

Very truly yours,



Charles R. Norris

CRN:kds

Enclosures

cc: Bernard McIntyre, Esquire (via regular mail w/enclosures)



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

December 29, 2011

Bernard McIntyre, Esquire
Law Office of Bernard McIntyre
P.O. Box 248
Beaufort, SC 29901

Re: Green, Dorris v. US Automobile Assoc.
2011197648

Dear Mr. McIntyre:

We have received the Appellant's Initial Brief and Designation of Matter in the above case. However, we have not received notification of the transcript being received. Please notify this office of the date the transcript was received within ten (10) days of the date of this letter.

Furthermore, the Court of Appeals policy requires the firm name of any counsel shown must be included in his or her address. Any future filings by any party to this appeal must include the firm name of any counsel shown.

Very truly yours,

V. Claire Allen, Deputy
CLERK

TAG/laf

cc: Charles R. Norris, Esquire

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Carmen. T. Mullen, Circuit Court Judge

Case Tracking No. 2011197648

Dorris W. Green, Jr. as Guardian ad Litem for
Inman G., a minor.....Appellant,

v.

United States Automobile Association Auto and
Property Insurance Company.....Respondent

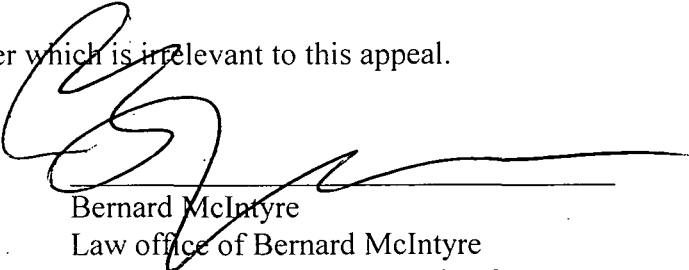
DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

Appellant proposes the following to be included in the Record on Appeal:

1. Complaint
2. Amended Complaint
3. Answer to Amended Complaint
4. Order of June 23, 2011
5. Medical University of South Carolina (MUSC) Medical Records, pp. 1-3
6. United States Automobile Association (USAA) Policy, pp. 1, 3-6, 14-17
7. Transcript of Proceedings, pp. 1, 5-17
8. Deposition Testimony of Linda L. Green, pp. 6, 17, 19-20, 27-28, 39, 45
9. Order Appointing Guardian ad Litem, of October 15, 2010.
10. Motion for Summary Judgment, dated March 7, 2011

I certify that this designation contains no matter which is irrelevant to this appeal.

December 8, 2011



Bernard McIntyre
Law office of Bernard McIntyre
Post Office Box 248/1606 King Street
Beaufort, SC 29901 (843)524-9040
Attorney for Appellant

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Carmen. T. Mullen, Circuit Court Judge

Case Tracking No. 2011197648

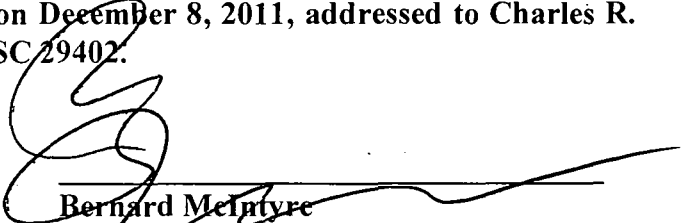
Dorris W. Green, Jr. as Guardian ad Litem for
Inman G., a minor.....Appellant,

v.

United States Automobile Association Auto and
Property Insurance Company.....Respondent

PROOF OF SERVICE

I certify that I served a copy of the Initial Brief of Appellant and Designation of Matter to be Included in the Record on Appeal on Tanya A. Gee, Clerk of Court, S.C. Court of Appeals by depositing a copy of same in the United States Mail, postage prepaid, on December 8, 2011, addressed to Tanya A. Gee, S.C. Court of Appeals, P.O. Box 11629, Columbia, SC 29211; on S.C. Court Administration by depositing a copy of same in the United States Mail, postage prepaid, on December 8, 2011, addressed to S.C. Court Administration, 1015 Sumter Street, Ste. 200, Columbia, SC 29201; and on Charles R. Norris, Esquire, by depositing a copy of same in the United States Mail, postage prepaid, on December 8, 2011, addressed to Charles R. Norris, Esquire, P.O. Box 1806, Charleston, SC 29402.


Bernard McIntyre
Law Office of Bernard McIntyre
Post Office Box 248/1606 King Street
Beaufort, SC 29901
(843)524-9040
Attorney for Appellant

RECEIVED

DEC 12 2011

SC Court of Appeals

Law Office of Bernard McIntyre

1606 King Street Post Office Box 248 Beaufort, South Carolina 29901-0248

Bernard McIntyre, Esquire

(843) 524-9040

FAX (843) 524-7152

bmclawfirm@embarqmail.com

December 8, 2011

Tanya A. Gee
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: Initial Brief of Appellant, Designation of Matter to be Included in Record on Appeal and Proof of Service in Dorris W. Green, Jr., et. al. v. USAA
Case Tracking No: 2011197648

Dear Madam Clerk:

Enclosed please find for filing the original of an Initial Brief of Appellant, Designation of Matter to be Included in Record on Appeal and Proof of Service in the appellate matter referenced above. Once the original has been filed, I would appreciate your returning one (1) filed copy to me in the enclosed self-addressed envelope.

By virtue of a copy of this correspondence to the South Carolina Court Administration and Respondent's counsel, Charles R. Norris, Esquire, I am serving them with a copy of each referenced document.

With kind regards, I am

Yours truly,


Bernard McIntyre, Esquire

BMc

Enclosures

Cc: South Carolina Court Administration, w/enclos
Charles R. Norris, Esquire, w/enclos

RECEIVED

DEC 12 2011

SC Court of Appeals

Law Office of Bernard McIntyre

1606 King Street / Post Office Box 248
Beaufort, South Carolina 29901-0248

Bernard McIntyre, Esquire

(843) 524-9040
Fax (843) 524-7152

November 4, 2011

Deborah Everett
1104 Greene Street
Beaufort, SC 29902

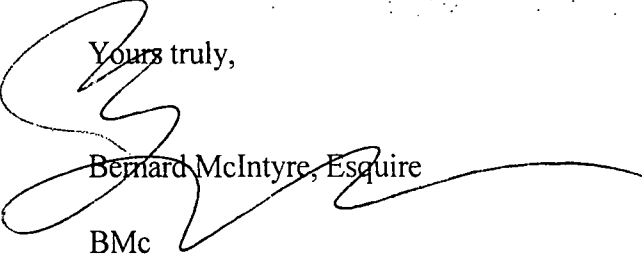
Re: Transcript in Appeal in Dorris W. Green, Jr., as Guardian ad Litem
for Inman G., a minor v. USAA
Case Tracking No: 2011197648

Dear Ms. Everett:

In accordance with your e-mail, enclosed please find a check for \$61.50 to cover the transcript fee in this matter. I look forward to receiving the transcript.

With kind regards, I am

Yours truly,


Bernard McIntyre, Esquire

BMc

Enclosure

Cc: Charles R. Norris, Esquire
Tanya A. Gee, Clerk, South Carolina Court of Appeals
S.C. Court Administration

RECEIVED

NOV 09 2011

SC Court of Appeals

Law Office of Bernard McIntyre

1606 King Street Post Office Box 248 Beaufort, South Carolina 29901-0248

Bernard McIntyre, Esquire

(843) 524-9040

FAX (843) 524-7152

bmclawfirm@embarqmail.com

November 2, 2011

RECEIVED
NOV 08 2011
SC Court of Appeals

The Hon. Tanya A. Gee
Clerk, S.C. Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: Transcript of Record in Dorris W. Green, Jr., as Guardian ad Litem of Inman G. v. USAA
Case Tracking No. 2011197648

Dear Ms. Gee:

Enclosed please find for filing a copy our September 26, 2011 correspondence and two faxes, one dated October 19, 2011 and the other dated October 28, 2011, all to the S.C. Court Administration in an effort to secure a copy of the transcript. Also I have enclosed a copy of our September 22, 2011 fax to the Hon. Jerri A. Roseneau, Beaufort County Clerk of Court, regarding the court reporter, Deborah Everett, and an additional address for Ms. Everett so we can obtain a transcript.

I have attached the original and one copy of a Proof of Service in regard to these documents which were previously sent to the addressees and all noted to receive copies. Please return one filed copy of the Proof of Service to us in the enclosed self-addressed, stamped envelope.

With kind regards, I am

Yours truly,


Bernard McIntyre, Esquire

BMc
Enclosures

Cc: Charles R. Norris, Esquire, w/enclose
Deborah Everett, w/enclose
S.C. Court Administration, w/enclose

Law Office of Bernard McIntyre

1606 King Street Post Office Box 248 Beaufort, South Carolina 29901-0248

Bernard McIntyre, Esquire

(843) 524-9040

FAX (843) 524-7152

bmclawfirm@embarqmail.com

November 2, 2011

South Carolina Court Administration
1015 Sumter Street, Ste. 200
Columbia, SC 29201

RECEIVED
NOV 08 2011
SC Court of Appeals

Re: Transcript in Appeal in Dorris W. Green, Jr., as Guardian ad litem
for Inman G., a minor v. USAA
Case Tracking No: 2011197648

Dear Ladies and Gentlemen:

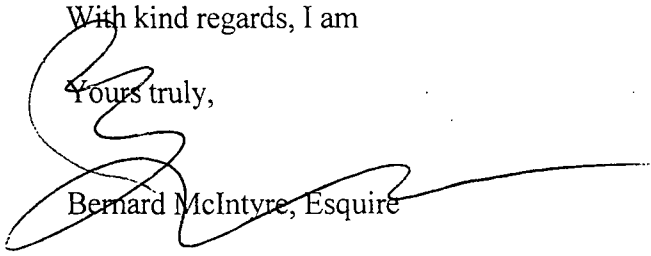
Pursuant to Rule 207(a)(5) of the S.C. Rules of Appellate Practice, I am informing the Court that I have not received a copy of the transcript of record in this matter. We first requested the transcript of record from the court reporter, Deborah Everett, by letter dated August 22, 2011. Since we have enlisted the aid of the S.C. Court Administration without any success in obtaining a copy of the transcript from Ms. Everett.

Enclosed please find a copy our September 26, 2011 correspondence and two faxes, one dated October 19, 2011 and the other dated October 28, 2011, all to the S.C. Court Administration in an effort to secure a copy of the transcript.

I shall await direction from the Court Administration concerning any further steps to obtain a copy of the transcript of record.

With kind regards, I am

Yours truly,


Bernard McIntyre, Esquire

BMc

Enclosures

Cc: Charles R. Norris, w/enclose

✓ Tanya A. Gee, Clerk, South Carolina Court of Appeals, w/enclose

Deborah Everett, w/enclose

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Carmen. T. Mullen, Circuit Court Judge

RECEIVED
NOV 08 2011
S.C. Court of Appeals

Case Tracking No. 2011197648

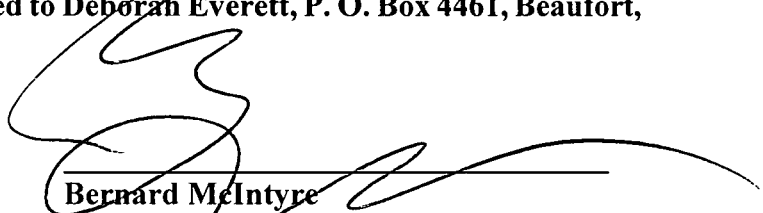
Dorris W. Green, Jr. as Guardian ad Litem for
Inman G., a minor.....Appellant,
v.
United States Automobile Association Auto and
Property Insurance Company.....Respondent

PROOF OF SERVICE

I certify that I served a copy of Appellant Counsel's September 22, 2011 facsimile to the Hon. Jerri A. Roseneau, Beaufort County Clerk of Court, on September 22, 2011 on Jerri A. Roseneau by facsimile to 843.255.9412 and on Respondent's Counsel Charles R. Norris, Esquire, by facsimile to 843.720.4352; a copy of Appellant Counsel's September 26, 2011 correspondence to the S.C. Court Administration on September 26, 2011 on S.C. Court Administration by depositing a copy of it in the United States Mail, postage prepaid, addressed to Attn: Ms. Tammy Brown, S.C. Court Administration, 1015 Sumter Street, Ste. 200, Columbia, SC 29201, on Charles R. Norris, Esquire, by depositing a copy of it in the United States Mail, postage prepaid, addressed to Charles R. Norris, Esquire, P.O. Box 1806, Charleston, SC 29402, and on Tanya A. Gee, Clerk of Court, S.C. Court of Appeals by depositing a copy of it in the United States Mail, postage prepaid, addressed to Tanya A. Gee, S.C. Court of Appeals, P.O. Box 11629, Columbia, SC 29211; a copy of the October 19, 2011 facsimile to S. C. Court Administration on October 19, 2011 on the S.C. Court Administration by facsimile to Tammy Brown, S.C. Court Administration at 803.734.1355 and on Charles R. Norris, Esquire, by facsimile to him at 843.720.4352; and a copy of the October 28, 2011 facsimile to S. C. Court Administration on October 28, 2011 on the S.C. Court Administration by facsimile to Tammy Brown, S.C. Court Administration at 803.734.1355 and on Charles R. Norris, Esquire, by facsimile to him at 843.720.4352.

Further, I certify I have served a copy of Appellant Counsel's correspondence to S. C. Court Administration dated November 2, 2011 with enclosures, correspondence to the S. Court of Appeals dated November 2, 2011 with enclosures and Proof of Service on November 2, 2011,

on Charles R. Norris, Esquire, by depositing a copy of same in the United States Mail, postage prepaid, addressed to Charles R. Norris, Esquire, P. O. Box 1806, Charleston, SC 29402, on Tanya A. Gee, Clerk of Court, S.C. Court of Appeals by depositing a copy of same in the United States Mail, postage prepaid, addressed to Tanya A. Gee, S.C. Court of Appeals, P.O. Box 11629, Columbia, SC 29211, and on Deborah Everett, by depositing a copy of same in the United States Mail, postage prepaid, addressed to Deborah Everett, P. O. Box 4461, Beaufort, SC 29901.



Bernard McIntyre
Law Office of Bernard McIntyre
Post Office Box 248/1606 King Street
Beaufort, SC 29901
(843)524-9040
Attorney for Appellant

Other Counsel of Record:
Charles R. Norris, Esquire
Nelson Mullins Riley & Scarborough, LLP
Post Office Box 1806
Charleston, SC 29402
(843)853-5200

Law Office of Bernard McIntyre

1606 King Street / PO Box 248


Beaufort, South Carolina 29901-0248

Phone No.: 843/524-9040

Fax No.: 843/524-7152

Email: bmclawfirm@embarqmail.com
bernardmcintyre@embarqmail.com

FAX TRANSMITTAL FORM

To: Ms. Tammy Brown, S.C. Court Administration
Fax #: 803.734.1355
From: Bernard McIntyre, Esquire 
Fax #:
Re: Transcript in Appeal in
Dorris W. Green, Jr., et. al. v. USAA
C/A: 2010-CP-07-5078
Case Tracking No: 2011197648

Date: October 19, 2011
Pages: 1 (including cover page)

Message:


As you know, I talked and wrote to you on September 26, 2011 about getting a transcript from Ms. Deborah Everett in the above referenced matter. You indicated that I just needed to send the letter to you and you would see that Ms. Everett was aware of the request and a transcript would be forwarded to us in a timely fashion.

To date, I have not received the requested transcript from Ms. Everett. Nor have I heard from her. I am corresponding with you again because I have no address for Ms. Everett other than the one listed with the Court Administration which you have already said has resulted in returned mail from other lawyers and myself.

Please confirm by fax that Ms. Everett has received the transcript request and the status of her efforts to get the transcript to us in timely manner.

I look forward to your reply.

Thanks.


Cc: Charles R. Norris, Esquire, by facsimile only: 843.720.4352

Law Office of Bernard McIntyre

1606 King Street Post Office Box 248 Beaufort, South Carolina 29901-0248

Bernard McIntyre, Esquire

(843) 524-9040

FAX (843) 524-7152

bmclawfirm@embarqmail.com

September 26, 2011

South Carolina Court Administration
Attn: Ms. Tammy Brown
1015 Sumter Street, Ste. 200
Columbia, SC 29201

Re: Letter Requesting Transcript in Appeal in Dorris W. Green, Jr., et. al. v. USAA
C/A: 2010-CP-07-5078
Case Tracking No: 2011197648

Dear Ms. Brown:

In an attempt to obtain the transcript in this matter, I am following up on my telephone conversation to you earlier today. I had called because I had written the Beaufort County Clerk's Office again about a current and valid mailing address for Ms. Deborah Everett, the court reporter. We had corresponded with Ms. Everett in making a request for a copy of the transcript. The letter request was sent to her at P.O. Box 4461, Beaufort, SC 29903. The letter was just returned undelivered.

The Clerk's Office reassured us that was the current address on file for Ms. Everett and if we could not reach her using that address, then contact Court Administration. That is why I called you this morning. You indicated that P.O. Box address is the same that Court Administration has on file for Ms. Everett and another recent request for a transcript from her sent to that P.O. Box address was unsuccessful. You informed me that all I needed to do was send the letter request to Ms. Everett for the transcript to you and you would see that she was served with it.

Enclosed please find a copy of my letter request to Ms. Deborah Everett, dated August 22, 2011, requesting a copy of the transcript in this matter.

If I am required to do anything further at this time, please let me know.

With kind regards, I am

Yours truly,

Bernard McIntyre, Esquire

BMc
Enclosure

Cc: Charles R. Norris, Esquire, w/o enclos

Tanya A. Gee, Clerk, South Carolina Court of Appeals, w/o enclos

Law Office of Bernard McIntyre

1606 King Street / PO Box 248

Beaufort, South Carolina 29901-0248


Phone No.: 843/524-9040

Fax No.: 843/524-7152

Email: bmclawfirm@embarqmail.com

bernardmcintyre@embarqmail.com

FAX TRANSMITTAL FORM

To: Hon. Jerri A. Roseneau, Beaufort County Clerk of Court
Fax #: 843.255.9412
From: Bernard McIntyre, Esquire 
Fax #:
Re: Transcript of Hearing on June 6, 2011, in Dorris W. Green, Jr., et. al. v. USAA
C/A: 2010-CP-07-5078

Date: September 22, 2011
Pages: 1 (including cover page)

Message:

I am corresponding again about the address and phone number of Deborah Everett who you said was the court reporter for the hearing in the matter referenced above on June 6, 2011. We wrote her at Post Office Box 4461, Beaufort, SC 29903, the address you provided, but the letter has now just been returned to us as "not deliverable as addressed."

Please check your information on Ms. Everett and let me know if you have any additional information about her mailing address or phone number. Time is of the essence, and we will need to let the Appeals Court know that we have thus far been unable to reach Ms. Everett. The transcript of the hearing is necessary to move this appeal process along.

Please allow me to hear from you as soon as possible.

Cc: Charles R. Norris, Esquire, by facsimile only: 843.720.4352

Law Office of Bernard McIntyre

1606 King Street Post Office Box 248 Beaufort, South Carolina 29901-0248

Bernard McIntyre, Esquire

(843) 524-9040

FAX (843) 524-7152

bmclawfirm@embarqmail.com

September 26, 2011

South Carolina Court Administration
Attn: Ms. Tammy Brown
1015 Sumter Street, Ste. 200
Columbia, SC 29201

RECEIVED
SEP 28 2011
SC Court of Appeals

Re: Letter Requesting Transcript in Appeal in Dorris W. Green, Jr., et. al. v. USAA
C/A: 2010-CP-07-5078
Case Tracking No: 2011197648

Dear Ms. Brown:

In an attempt to obtain the transcript in this matter, I am following up on my telephone conversation to you earlier today. I had called because I had written the Beaufort County Clerk's Office again about a current and valid mailing address for Ms. Deborah Everett, the court reporter. We had corresponded with Ms. Everett in making a request for a copy of the transcript. The letter request was sent to her at P.O. Box 4461, Beaufort, SC 29903. The letter was just returned undelivered.

The Clerk's Office reassured us that was the current address on file for Ms. Everett and if we could not reach her using that address, then contact Court Administration. That is why I called you this morning. You indicated that P.O. Box address is the same that Court Administration has on file for Ms. Everett and another recent request for a transcript from her sent to that P.O. Box address was unsuccessful. You informed me that all I needed to do was send the letter request to Ms. Everett for the transcript to you and you would see that she was served with it.

Enclosed please find a copy of my letter request to Ms. Deborah Everett, dated August 22, 2011, requesting a copy of the transcript in this matter.

If I am required to do anything further at this time, please let me know.

With kind regards, I am

Yours truly,

Bernard McIntyre, Esquire

BMc

Enclosure

Cc: Charles R. Norris, Esquire, w/o enclos

Tanya A. Gee, Clerk, South Carolina Court of Appeals, w/o enclos



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

September 16, 2011

Bernard McIntyre, Esquire
P.O. Box 248
Beaufort, SC 29901

Re: Green, Dorris v. US Automobile Assoc.
2011197648

Dear Mr. McIntyre:

The following Order has been endorsed on your Motion to Amend Caption to Redact Identifier in the above entitled case on appeal.

“Granted.

John Cannon Few C.J.
For the Court

By s/ V. Claire Allen
Deputy Clerk

September 16, 2011.”

Please be advised the caption has been amended to read as follows:

Dorris W. Green, Jr. as Guardian ad Litem for Inman G., a minor, Appellant,

v.

United States Automobile Association Auto and Property Insurance Company, Respondent.

Any future filings by any party to this appeal must feature the above caption.

Very truly yours,

V. Claire Allen, Deputy
CLERK

TAG/laf

cc: Charles R. Norris, Esquire

Law Office of Bernard McIntyre

1606 King Street / Post Office Box 248
Beaufort, South Carolina 29901-0248

Bernard McIntyre, Esquire

(843) 524-9040
Fax (843) 524-7152

September 8, 2011

Tanya A. Gee
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: Proof of Service of Letter Requesting Transcript in Dorris W. Green, Jr., et. al. v. USAA
Case Tracking No: 2011197648

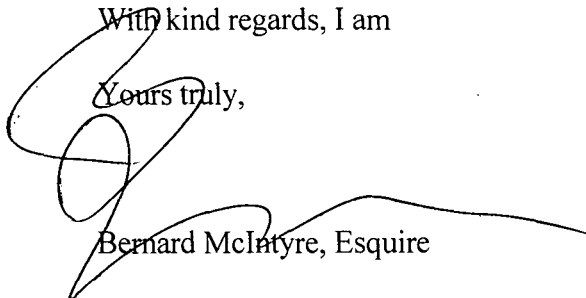
Dear Madam Clerk:

Enclosed please find for filing the original and one (1) copy of a Proof of Service of a copy of my letter to Deborah Everett, court reporter, dated August 22, 2011, requesting a copy of the transcript of the proceedings resulting in the court order from which this appeal has been taken. Once the original has been filed, I would appreciate your returning one (1) filed copy to me in the enclosed self-addressed envelope.

In addition, I have enclosed a check for \$25 to cover the filing fee for the Motion to Amend Caption to Redact Identifier.

With kind regards, I am

Yours truly,


Bernard McIntyre, Esquire

BMc

Enclosures

Cc: Charles R. Norris, w/enclos

RECEIVED
SEP 12 2011
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Carmen. T. Mullen, Circuit Court Judge

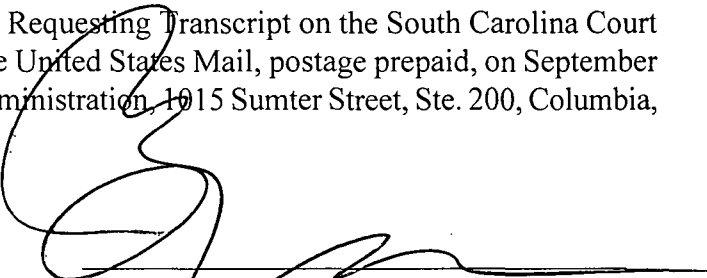
Case Tracking No. 2011197648

Dorris W. Green, Jr. as Guardian ad Litem for
Dorris I. Green, a minor.....Appellant,
v.
United States Automobile Association Auto and
Property Insurance Company.....Respondent

PROOF OF SERVICE

I certify that I have served a copy of the Letter Requesting Transcript on the South Carolina Court Administration by depositing a copy of it in the United States Mail, postage prepaid, on September 8, 2011, addressed to South Carolina Court Administration, 1015 Sumter Street, Ste. 200, Columbia, SC 29201 .

September 8, 2011



Bernard McIntyre
Law office of Bernard McIntyre
Post Office Box 248/1606 King Street
Beaufort, SC 29901
(843)524-9040
Attorney for Appellant

RECEIVED
SEP 12 2011
SC Court of Appeals



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

September 7, 2011

Bernard McIntyre, Esquire
P.O. Box 248
Beaufort, SC 29901

Re: Green, Dorris v. US Automobile Assoc.
2011197648

Dear Mr. McIntyre:

We have received a copy of your request for the transcript in the above matter. However, this request did not notify the Office of Court Administration as required in Rule 207(a)(1) of the South Carolina Appellate Court Rules. Please furnish proof you served this request on the Office of Court Administration within ten (10) days of the date of this letter.

Furthermore, if you wish the Court to act on your Motion to Amend Caption to Redact Identifier, you must provide the \$25 motion filing fee.

Very truly yours,

V. Claire Allen, Deputy
CLERK

TAG/laf

cc: Charles R. Norris, Esquire

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Carmen. T. Mullen, Circuit Court Judge

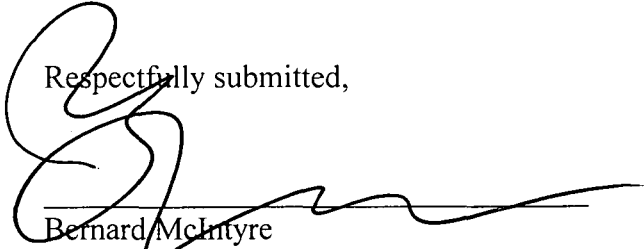
Case Tracking No. 2011197648

Dorris W. Green, Jr. as Guardian ad Litem for
Dorris I. Green, a minor.....Appellant,
v.
United States Automobile Association Auto and
Property Insurance Company.....Respondent

MOTION TO AMEND CAPTION TO REDACT IDENTIFIER

Pursuant to the Interim Guidance Rules of the South Carolina Court of Appeals regarding Public Access to Court Records, Appellant hereby moves to amend the caption herein as the caption involves the name of a minor, Dorris I. Green. Appellant moves to redact the identifier and use the minor's middle name and first initial for his last name: Iman G. Appellant proposes to use the middle name instead of the first name because the minor shares the first and last name of his father who brought this action on his behalf and, thus, using Dorris G. would in and of itself be an identifier following his father's name in the caption.

Respectfully submitted,



Bernard McIntyre
Law Office of Bernard McIntyre
Post Office Box 248/1606 King Street
Beaufort, SC 29901
(843)524-9040
Attorney for Appellant

August 30, 2011

GRANTED
JOHN CANNON FEW, C.J.
FOR THE COURT

By: V. Claire Allen
(Clerk) (Deputy Clerk)

FILED
9/16/11

RECEIVED

SEP 06 2011

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Carmen. T. Mullen, Circuit Court Judge

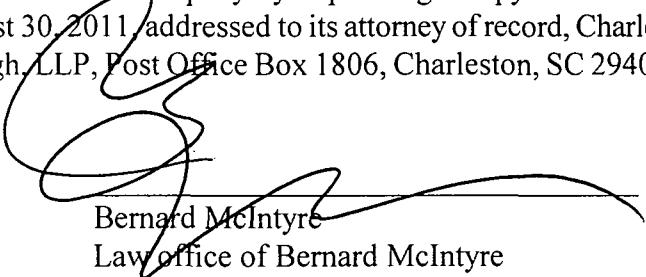
Case Tracking No. 2011197648

Dorris W. Green, Jr. as Guardian ad Litem for
Dorris I. Green, a minor.....Appellant,
v.
United States Automobile Association Auto and
Property Insurance Company.....Respondent

PROOF OF SERVICE

I certify that I have served the Motion to Amend Caption to Redact Identifier on United States Automobile Association Auto and Property Insurance Company by depositing a copy of it in the United States Mail, postage prepaid, on August 30, 2011, addressed to its attorney of record, Charles R. Smith, Nelson Mullins Riley & Scarborough, LLP, Post Office Box 1806, Charleston, SC 29402

August 30, 2011


Bernard McIntyre
Law office of Bernard McIntyre
Post Office Box 248/1606 King Street
Beaufort, SC 29901
(843)524-9040
Attorney for Appellant

RECEIVED

SEP 06 2011

SC Court of Appeals

Law Office of Bernard McIntyre

1606 King Street Post Office Box 248 Beaufort, South Carolina 29901-0248

Bernard McIntyre, Esquire

(843) 524-9040

FAX (843) 524-7152

bmclawfirm@embarqmail.com

August 30, 2011

The Hon. Tanya A. Gee
Clerk, S.C. Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: Motion to Amend Caption to Redact Identifier and Proof of Service in Dorris W. Green, Jr.,
et. al. v. USAA Case tracking No. 2011197648

Dear Ms. Gee:

Enclosed please find for filing the original and one copy of Plaintiff/Appellant's Motion to Amend Caption to Redact Identifier and Proof of Service in the matter referenced above.

Although we referenced and thought we included a copy of the appealed Order of Judge Carmen T. Mullen, dated June 23, 2011, I am including a copy herewith per your request.

Also I am enclosing a copy of the letter to Deborah Everett, the court reporter, requesting a copy of the transcript.

By copy of this letter to Respondent's counsel, Charles R. Norris, I am serving him with a copy of the Motion to Amend Caption to Redact Identifier, Proof of Service, appealed Order and letter to the court reporter.

Please return a filed copy of the Motion to Amend Caption and Proof of Service to me in the enclosed self-addressed envelope.

With kind regards, I am

Yours truly,


Bernard McIntyre, Esquire

BMc

Enclosures

Cc: Charles R. Norris, Esquire, w/enclos :

RECEIVED

SEP 06 2011

SC Court of Appeals

Law Office of Bernard McIntyre

1606 King Street / Post Office Box 248
Beaufort, South Carolina 29901-0248

Bernard McIntyre, Esquire

(843) 524-9040
Fax (843) 524-7152

August 22, 2011

Ms. Deborah Everett
Post Office Box 4461
Beaufort, SC 29903

Re: Transcript of Hearing in Dorris W. Green, Jr., et. al. v. USAA
C/A: 2010-CP-07-5078

Dear Ms. Everett:

On June 6, 2011, arguments were heard on a Motion for Summary Judgment in the above case before the Hon. Carmen T. Mullen, Beaufort County, SC. Our contact with the Clerk of Court's office indicates that you were the court reporter for this case.

I request that you provide me with a transcript of the proceedings. Please transcribe the entire record.

I agree to pay the per page charge for this transcript as provided by Rule 607, SCAR.

Please acknowledge receipt of this request by returning the attached copy of this letter signed and dated as received by you in the enclosed self-addressed envelope.

With kind regards, I am

Yours truly,

Bernard McIntyre, Esquire

BMc

Cc: Charles R. Norris, Esquire

RECEIVED

SEP 06 2011

SC Court of Appeals

STATE OF SOUTH CAROLINA)

COUNTY OF BEAUFORT)

DORRIS W. GREEN, JR., as Guardian)
ad Litem for DORRIS I. GREEN, a)
minor,)

Plaintiff,)

vs.)

UNITED SERVICES AUTOMOBILE)
ASSOCIATION,)

Defendant.)

IN THE COURT OF COMMON PLEAS

Civil Action No. 2010-CP-07-5078

ORDER

CLERK OF COURT
SOUTH CAROLINA
COUNTY OF BEAUFORT

2011 JUN 23 PM 3:26

On June 6, 2011 this Court heard arguments on the defendant's motion for summary judgment. For the following reasons the motion for summary judgment is granted.

The facts relevant to the defendant's motion for summary judgment are undisputed. On July 19, 2009 the plaintiff's minor son, Dorris I. Green, was a passenger in a 2002 Honda vehicle driven by his mother Linda Green and when Linda Green allegedly turned left in front of an oncoming vehicle an accident ensued. (Plaintiff's Complaint, ¶ IV) At the time of the accident the 2002 Honda vehicle was insured under a policy issued by the defendant. This policy was written in the State of Florida. (Plaintiff's Complaint, ¶ VI)

The defendant's policy contained the following exclusion of liability coverage:

There is no coverage for **BI** [bodily injury] for which a **covered person** becomes legally responsible to pay to a member of that **covered person's** family residing in that **covered person's** household.

The effect of this provision as applied to the undisputed facts of this case is that Linda Green has no liability coverage for a claim against her by her son Dorris I. Green.

The plaintiff argues this provision violates the public policy of South Carolina and should not be enforced. The defendant argues that because the policy was issued in Florida, Florida law applies in determining the validity of the family member exclusion and under Florida law this exclusion is valid. This Court agrees with the defendant.

Unless the parties agree to a different rule, the validity and interpretation of a contract is ordinarily determined by the law of the state in which the contract was made. Unisun Insurance Company v. Hertz Rental Company, 436 S.E.2d 182, 184 (S.C. App. 1993) In construing insurance policies, South Carolina courts apply the law of the state where the policy was issued. Companion Property & Casualty Insurance Company v. Airborne Express, 631 S.E.2d 915, 916 (S.C. App. 2006) Florida has the same rule which is that the law of the jurisdiction where the contract was executed governs interpretation of substantive issues regarding the contract and the lex loci contractus rule determines the choice of law for interpretation of provisions in an automobile insurance policy. Lumbermens Mutual Casualty Company v. August, 530 So.2d 293 (Supreme Court of Florida 1988) Because it is undisputed the USAA policy was written in the State of Florida, this Court must look to Florida law to determine the validity of the family member exclusion.

This case is factually analogous to Newton v. Progressive Northwestern Insurance Company, 554 S.E.2d 437 (S.C. App. 2001). In that case Progressive issued a policy in Georgia to Newton. Several months after issuance of the policy Newton was involved in an automobile accident in South Carolina. Newton claimed the policy required reformation to include the minimum uninsured motorist coverage required by South Carolina law. The trial court granted summary judgment to Progressive. On appeal Newton argued the terms of the policy had to be reformed to comply with South Carolina liability policy requirements. 554 S.E.2d at 438 In

affirming the grant of summary judgment to Progressive the Court of Appeals held that a policy issued and delivered outside of South Carolina is not a policy issued or delivered in South Carolina and the fact that an accident which is within the risk covered by a policy occurred in a certain state does not make the contract one of that state. The Court of Appeals concluded that South Carolina's financial responsibility law did not require reformation of the Georgia policy. 554 S.E.2d at 440 Applying Newton to the facts of this lawsuit, South Carolina's automobile insurance statutes and case law do not require reformation of the Florida policy.

Under Florida law the provision in question is valid. Chrysler Credit Corporation v. United Services Automobile Association, 625 So.2d 69 (Florida District Court of Appeal 1993); Fitzgibbon v. Government Employees Insurance Company, 583 So.2d 1020 (Florida 1991); Mitchell v. State Farm Mutual Automobile Insurance Company, 678 So.2d 418 (Florida District Court of Appeal 1996) In Mitchell the Court stated in considering a challenge to a family exclusion clause that:

Injury to that family member is excluded from liability coverage by most, if not all, insurance policies issued in Florida. As counsel for State Farm candidly admitted to us at oral argument, they knew of no insurance policy offered in Florida without a family member exclusion. 678 So.2d at 420

The District Court of Appeal in Mitchell further held that:

Family exclusion clauses in automobile insurance policies are not void as contrary to this state's laws or public policy. If this rule is to be overturned, it must either be addressed by the Florida legislature or the Florida Supreme Court. 678 So.2d at 421

Because the policy in question was written in the State of Florida, Florida law applies and under Florida law the exclusion challenged by the plaintiff is valid.

The plaintiff cites Boone v. Boone, 546 S.E.2d 191 (S.C. 2001) in support of his position that the provision in question violates the public policy of South Carolina. However,

Boone did not involve the validity of a provision in an automobile insurance policy. Instead, the Supreme Court in Boone held that a Georgia law preventing spouses from suing one another based upon the legal fiction that spouses were one person violated South Carolina's public policy. In the present case, however, the insurance policy of USAA does not contain an outdated, anachronistic legal fiction as was involved in Boone and on this basis the facts of the present case are distinguishable from the facts in Boone. In fact, the USAA policy does not prevent Dorris I. Green from suing his mother Linda Green. Instead, it only provides that if that occurs Linda Green will have no liability coverage for that claim. Additionally, although some contracts may violate public policy, a sound public policy requires the enforcement of contracts deliberately made, which do not clearly contravene some positive law or rule of public morals. Courts should not annul contracts on doubtful grounds of public policy. In such matters, it is better that the legislature should first speak. Wilson v. Builders Transport, 498 S.E.2d 674, 679 (S.C. App. 1998) The fact that laws of two states may differ does not necessarily imply that the law of one state violates the public policy of the other. Dawkins v. State of South Carolina, 412 S.E.2d 407, 408 (S.C. 1991)

The plaintiff additionally claims entitlement to underinsurance policy benefits. The defendant's policy includes underinsurance motorist coverage within the definition of uninsured motorist coverage. The definition of uninsured coverage provides that an uninsured motor vehicle does not include any vehicle or equipment owned by or furnished or available for the regular use of the named insured or any family member. Here it is undisputed that the 2002 Honda involved in the accident of July 19, 2009 was furnished for the regular use of Dorris W. Green's wife, Linda Green. Linda Green testified that she and her husband owned the 2002 Honda up until the time of the July 2009 accident, that the car was registered or licensed in

Florida and that she primarily used that car. (Linda Green Deposition, pp. 19, 20; 37) There are certain exceptions to this exclusion of UIM coverage for any motor vehicle owned by or furnished for the regular use of the named insured or any family member, but those exceptions are inapplicable. Therefore, the plaintiff is not entitled to underinsurance motorist coverage under the terms of the USAA policy and the undisputed facts.

CONCLUSION

The policy in question was issued in Florida. Therefore, Florida's law must determine the validity of the exclusion of liability coverage challenged by the plaintiff. Under Florida law the family member exclusion of liability coverage is valid. Additionally, for the reasons stated herein, the provision is not violative of South Carolina's public policy. Furthermore, the plaintiff is not entitled to underinsurance motorist coverage. For all of these reasons the defendant's motion for summary judgment is granted and this lawsuit is dismissed with prejudice. All of which is so ORDERED.



Carmen T. Mullen
Administrative Judge, Fourteenth Judicial Circuit

Beaufort, South Carolina

June 23, 2011



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

August 25, 2011

Bernard McIntyre, Esquire
P.O. Box 248
Beaufort, SC 29901

Re: Green, Dorris v. US Automobile Assoc.
2011197648
2010-CP-07-05078

Dear Mr. McIntyre:

We have received your Notice of Appeal in the case noted above. This case will be docketed in the Court of Appeals and all communications concerning this case, including motions and petitions, initial and final briefs, and the Record on Appeal, should be directed to and filed in this Court. For all filings, please note the requirements of Rule 267(a) of the South Carolina Appellate Court Rules, and be further advised that Court of Appeals policy requires the firm name of any counsel shown must be included in his or her address.

Upon review, it has come to the Court's attention that a copy of the court order being challenged on appeal was not filed. Please provide this Court with a copy of the court order within ten (10) days of the date of this letter.

We suggest that large parcels such as copies of final briefs and the Record On Appeal be sent directly to the Court via the street address: 1205 Pendleton Street, Columbia, S.C. 29201. Thank you for your attention to this. Failure to file in the proper court may result in the dismissal of your appeal.

PLEASE BE ADVISED that, pursuant to Rule 207 of the South Carolina Appellate Court Rules, the transcript must be ordered within ten days of the proof of service of the Notice of Appeal and you must provide this Court, opposing counsel, and the Office of Court Administration with all correspondence regarding the transcript. It is also Appellant's responsibility to make satisfactory arrangements (including agreement regarding payment for the transcript) with the Court Reporter for furnishing the transcript. You are reminded of the notification requirements of Rule 207(a)(5), SCACR, also, please advise the Court in writing upon receipt of the transcript.

NOTE: If you believe this case has been improperly filed in the Court of Appeals, by reason of the limitations set forth in S.C. Code Ann. Section 14-8-200(b)(1998), as amended June 1, 1999, notify the Clerk's office of the Court of Appeals immediately. The cited Code Section prohibits the Court of Appeals from hearing appeals in seven classes of cases:

- 1) any final judgment from the circuit court which includes a sentence of death;
- 2) any final judgment from the circuit court setting public utility rates pursuant to Title 58;
- 3) any final judgment involving a challenge on state or federal grounds to the constitutionality of a state law or county or municipal ordinance where the principal issue is the constitutionality of the law or ordinance;
- 4) any final judgment from the circuit court involving the authorization, issuance, or proposed issuance of general obligation debt, revenue, institutional, industrial, or hospital bonds of the state, its agencies, political subdivisions, public service districts, counties, and municipalities or any other indebtedness now or hereafter authorized by Article X of the Constitution of this state;
- 5) any final judgment from the circuit court pertaining to elections and election procedure;
- 6) any order limiting an investigation by a State Grand Jury under S.C. Code Ann. Section 14-7-1630;
- 7) any order of the family court relating to an abortion by a minor under S.C. Code Ann. Section 44-41-33.

Very truly yours,

V. Claire Allan, Deputy
Tanya A. Gee
CLERK

TAG/laf

cc: Charles R. Norris, Esquire
The Honorable Jerri Roseneau



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

August 25, 2011

Bernard McIntyre, Esquire
P.O. Box 248
Beaufort, SC 29901

Re: Green, Dorris v. US Automobile Assoc.
2011197648

Dear Mr. McIntyre:

This office has received your Notice of Appeal in the above matter. It has been assigned the Case Tracking Number that appears above. Please use this number on all future correspondence relating to this matter.

I do wish to call the attention of the parties to the attached order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will not review filings for redaction or to determine if materials should be sealed.

Very truly yours,

V. Claire Allen, Deputy
CLERK.

TAG/laf

cc: Charles R. Norris, Esquire
The Honorable Jerri Roseneau

PM 7
POS 8-15-11

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Carmen. T. Mullen, Circuit Court Judge

Case N. 2010-CP-07-5078

~~1/15/11~~
Dorris W. Green, Jr. as Guardian ad Litem for
Dorris I. Green, a minor.....Appellant,

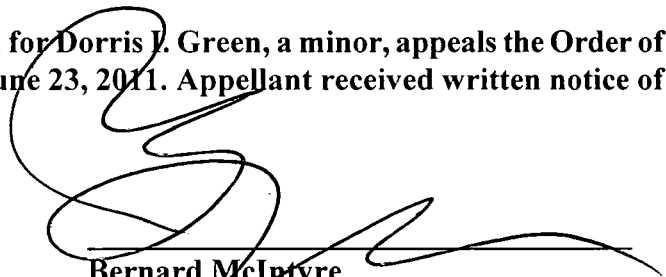
v.

United States Automobile Association Auto and
Property Insurance Company.....Respondent

NOTICE OF APPEAL

Dorris W. Green, Jr., as Guardian ad Litem for Dorris I. Green, a minor, appeals the Order of the Honorable Carmen T. Mullen, dated June 23, 2011. Appellant received written notice of entry of this Order on July 25, 2011.

August 15, 2011


Bernard McIntyre
Law office of Bernard McIntyre
Post Office Box 248/1606 King Street
Beaufort, SC 29901
(843)524-9040
Attorney for Appellant

Other Counsel of Record:
Charles R. Norris
Nelson Mullins Riley & Scarborough, LLP
Post Office Box 1806
Charleston, SC 29402
(843)853-5200

RECEIVED
AUG 24 2011
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Carmen. T. Mullen, Circuit Court Judge

Case N. 2010-CP-07-5078

Dorris W. Green, Jr. as Guardian ad Litem for
Dorris I. Green, a minor.....Appellant,

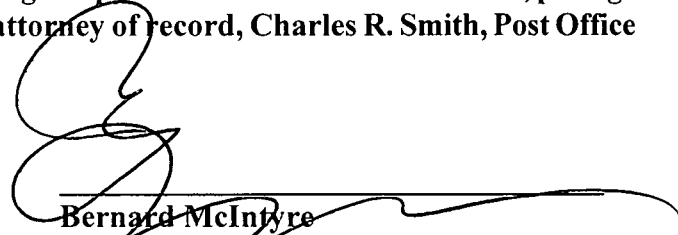
v.

United States Automobile Association Auto and
Property Insurance Company.....Respondent

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on United States Automobile Association Auto and Property Insurance Company by depositing a copy of it in the United States Mail, postage prepaid, on August 15, 2011, addressed to its attorney of record, Charles R. Smith, Post Office Box 1806, Charleston, SC 29402

August 15, 2011



Bernard McIntyre
Law office of Bernard McIntyre
Post Office Box 248/1606 King Street
Beaufort, SC 29901
(843)524-9040
Attorney for Appellant

Other Counsel of Record:
Charles R. Norris
Nelson Mullins Riley & Scarborough, LLP
Post Office Box 1806
Charleston, SC 29402
(843)853-5200

RECEIVED
AUG 24 2011

SC Court of Appeals

Law Office of Bernard McIntyre

1606 King Street Post Office Box 248 Beaufort, South Carolina 29901-0248

Bernard McIntyre, Esquire

(843) 524-9040

FAX (843) 524-7152

bmclawfirm@embarqmail.com

August 22, 2011

The Hon. Jeanette Barber
Clerk, S.C. Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: Notice of Appeal and Proof of Service in Dorris W. Green, Jr., et. al. v. USAA
C/A: 2010-CP-07-5078

Dear Ms. Barber:

Enclosed please find for filing the original and one copy of Plaintiff/Appellant's Notice of Appeal and Proof of Service in the matter referenced above.

I have also enclosed a copy of the Order of Judge Carmen T. Mullen, dated June 23, 2011, from which this appeal is taken and a check for the filing fee of \$100.00.

Please return a filed copy of the Notice of Appeal and Proof of Service to me in the enclosed self-addressed envelope.

With kind regards, I am

Yours truly,


Bernard McIntyre, Esquire

BMc

Enclosures

Cc: Charles R. Norris, Esquire, w/enclos

RECEIVED

AUG 24 2011

SC Court of Appeals

