

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

APPEAL FROM BEAUFORT COUNTY  
COURT OF COMMON PLEAS

H. Marvin Dukes, III, Special Circuit Judge

Appellate Case No. 2019-\_\_\_\_\_

**RECEIVED**  
APR 12 2019  
SC Court of Appeals

Richard Walter Meier and the Estate of  
William Carl Meier, by and through  
Conrad Meier, its Personal Representative, ..... Appellants,

v.

Mary J. Burnsed, ..... Respondent.

MOTION TO CERTIFY

TO: THE HONORABLE CHIEF JUSTICE AND ASSOCIATE JUSTICES  
OF THE SUPREME COURT OF SOUTH CAROLINA:

The respondent, Mary J. Burnsed, respectfully moves the Court under Rule 204(b), SCACR, to certify this appeal from the Court of Appeals, on the following grounds:

1. By Act No. 100 of 2013, the General Assembly added spousal life insurance beneficiary to the list of designations revoked by operation of law upon divorce.
2. When Mary Burnsed and William Meier divorced in 2002, Mr. Meier chose to leave Mrs. Burnsed as beneficiary of his life insurance, and continued to do so until his death in 2017.
3. Mr. Meier's contingent beneficiary, his brother Richard, brought this action alleging that Act No. 100 applies to divorces entered before the effective date of the statute, January 1, 2014, thereby revoking respondent Burnsed's designation.

4. The court of common pleas, Judge Buckner presiding, denied appellant Meier's summary judgment motion by order of August 10, 2018. The court, Judge Dukes presiding, granted respondent Burnsed's summary judgment motion by order of March 21, 2019. Both presiding judges found that the issue is novel, and both held that Act No. 100 does not apply retroactively. The order of March 21, 2019, copy attached, is the subject of the appeal.

5. If the appealed order were to be reversed and the statute found to apply retroactively, a large number of citizens — those leaving an ex-spouse as beneficiary for one reason or another in pre-2014 divorces — would have had their beneficiary designation revoked by operation of law without their knowledge.<sup>1</sup>

6. The Court of Appeals often runs a year behind the briefing until the appeal is reached. In a novel case of public importance where a petition for certiorari is more likely than not, the time to a final decision would be prolonged even more by the certiorari process.

7. In view of the number of people potentially affected by the outcome of this appeal, the respondent believes that the novel issue presented is one of significant public interest, warranting certification, and so moves.

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<sup>1</sup> The number of people affected can only be guessed. Federal data show that about 2.6 divorces per thousand population are entered annually in South Carolina. This translates into something like 125,000 divorces from 2002 — the date of the divorce involved here — until the effective date of Act No. 100. If only one percent of divorcing spouses left his or her ex-spouse as life insurance beneficiary, then more than one thousand beneficiary designations would have been revoked during these years without the insured's knowledge.

Respectfully submitted,

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by: James B. Richardson, Jr.  
Attorneys for Respondent.

April 3, 2019.

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

APPEAL FROM BEAUFORT COUNTY  
COURT OF COMMON PLEAS

H. Marvin Dukes, III, Special Circuit Judge

Appellate Case No. 2019-000518

Richard Walter Meier and the Estate of  
William Carl Meier, by and through  
Conrad Meier, its Personal Representative, ..... Appellants,

v.

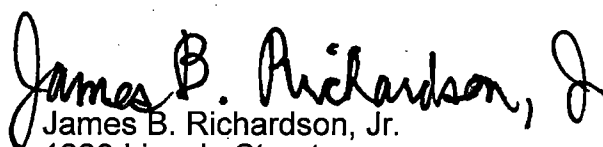
Mary J. Burnsed, ..... Respondent.

CERTIFICATE OF SERVICE

I certify that I served a copy of respondent's motion to certify by first class mail, postage prepaid, addressed to appellants' attorney at his address of record, namely:

H. Fred Kuhn, Jr., Esq.  
Moss, Kuhn & Fleming  
P.O. Drawer 507  
Beaufort, SC 29901-0507

on April 3, 2019.



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April 3, 2019.

Attorney for Respondent.

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April 11, 2019

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SC Court of Appeals

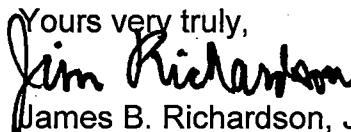
Honorable Jenny A. Kitchings  
Clerk of the S.C. Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: Meier v. Burnsed  
Court of Appeals Case No. 2019-000518

Dear Ms. Kirtchings:

The respondent has filed in the Supreme Court a motion under Rule 204(b) to certify the case. Enclosed for your records is a copy of the motion. The order referenced in the motion is the order under appeal.

Thanking you, I remain

Yours very truly,  
  
James B. Richardson, Jr.

cc: Hon. Daniel E. Shearouse  
Clerk of the S.C. Supreme Court  
Post Office Box 11330  
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APR 12 2019

SC Court of Appeals

Honorable Jenny A. Kitchings  
Clerk of the S.C. Court of Appeals  
Post Office Box 11629  
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