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September 27, 2019

The Honorable Daniel E. Shearouse
Clerk of Court
Supreme Court of South Carolina
1231 Gervais St.
Columbia, SC 29201

RECEIVED

SEP 27 2019

S.C. SUPREME COURT

Re: Palmetto Pointe at Peas Island Condo. Prop. Owners Ass'n, Inc., et al.
v. Island Pointe, LLC, et al.
Appellate Case No.: 2019-000238
Civil Action No.: 2015-CP-10-00955

Dear Mr. Shearouse:

Pursuant to Rule 208(b)(7), SCACR, Appellant Nationwide Mutual Insurance Company (hereinafter "Nationwide Mutual") hereby advises the clerk of developments which affect Nationwide's pending appeal.

On September 9, 2019, Plaintiff-Respondents Palmetto Pointe at Peas Island Condominium Property Owners Association, Inc. and Jack Ove, individually, and on behalf of all others similarly situated (hereinafter collectively "Palmetto Pointe") filed a Notice of Appeal of the trial court's rulings in favor of WC Services, Inc. (hereinafter "WC Services") in the trial court proceeding. A copy of the Notice of Appeal is attached.

WC Services is the named insured on certain policies of liability insurance issued by Nationwide Mutual. The above-captioned appeal pertains to motions to intervene by Nationwide Mutual and other liability carriers to obtain findings to support an allocation between covered and non-covered damages awarded against their insureds in this action. Nationwide Mutual and other carriers appealed from the trial court's denial of their motions to intervene.

While this appeal was pending, the circuit court proceeded to trial. The jury returned a defense verdict for WC Services. Palmetto Pointe's post-trial motions were denied.

Palmetto Pointe then filed a motion to dismiss Nationwide Mutual's appeal as moot. The Supreme Court has not yet ruled on Palmetto Pointe's motion.

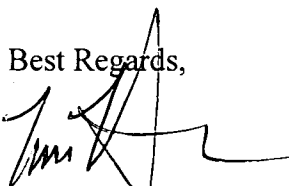
After the briefings were closed as to Palmetto Pointe's motion, Palmetto filed an appeal from the trial court's denial of its post-trial motions with respect to WC Services. Palmetto Pointe's appeal as to WC Services is now pending before the Court of Appeals (Appellate Case Number 2019-001520).

The appeal filed by Palmetto Pointe as to WC Services affects Nationwide Mutual's standing to pursue this appeal. When Nationwide Mutual initially filed its motion to intervene, the questions as to whether WC Services would have a claim for indemnification from Nationwide, and if so, in what amount, were uncertain because the case had not yet proceeded to trial. In its appeal, Palmetto Pointe requested review of, among other things, the trial court's denial of its motion for a new trial. Therefore, uncertainty remains as to what WC Services' liability, and Nationwide's indemnity obligation flowing from that, will be. If Palmetto Pointe succeeds in its appeal, the case will be remitted back to the trial court where Nationwide's motion to intervene will be renewed.

Nationwide Mutual would also point out that the Supreme Court has recently granted motions by other carriers to file an amicus brief. The fact that other carriers, who have no direct interest in this matter, have been permitted to file briefs in this appeal reflects on Nationwide Mutual's right to brief this appeal.

By copy hereof, all counsel of record are being served with the above.

Thank you for your assistance, and should you have any questions, please do not hesitate to contact me.

Best Regards,

Timothy J. Newton

TJN/
Enclosures

cc: The Honorable Clerk of Court for Charleston County
All Counsel of Record