

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Jennifer B. McCoy, Circuit Court Judge

Trial Court Case No. 2015-CP-10-00955
Appellate Case No. 2019-000238

RECEIVED
SEP 05 2019
S.C. SUPREME COURT

Ex Parte:

Builders Mutual Insurance Company, Nationwide Mutual Fire Insurance Company, Nationwide Mutual Insurance Company, and Nautilus Insurance Company, Appellants,

In Re:

Palmetto Pointe at Peas Island Condominium Property Owners Association, Inc., and Jack Love, Individually, and on behalf of all others similarly situated, Plaintiffs,

v.

Island Pointe, LLC; Leonard T. Brown; Complete Building Corporation; Tri-County Roofing, Inc.; Creekside, Inc.; American Residential Services, LLC d/b/a Rescue Rooter Charleston; Andersen Windows, Inc.; Atlantic Building Construction Services, Inc. n/k/a Atlantic Construction Services, Inc.; Christopher N. Union; Builder Services Group, Inc. d/b/a Gale Contractor Services; Novus Architects, Inc. f/k/a SGM Architects, Inc.; Tallent and Sons, Inc.; W C Services, Inc., CRG Engineering, Inc.; Certainteed Corporation; Kelly Flooring Products, Inc. d/b/a Carpet Baggers and John Doe 1-60, Defendants,

Tri-County Roofing, Inc., Third-Party Plaintiff,

v.

Cornerstone Construction and Mark Malloy d/b/a Cornerstone Construction; Gutter Works, Inc. and Michael L. Segars d/b/a Gutter Works; Mr. Gutter; Litchfield Seamless Gutters & Windows, LLC and Thomas Litchfield d/b/a Litchfield Seamless Gutter; Miracle Siding, LLC and Wilson Lucas Sales d/b/a Miracle Siding, LLC; Mark Palpoint a/k/a Micah Palpoint; Elroy Alonzo Vasquez; and Chris a/k/a John Doe 61, Third-Party Defendants.

And

Complete Building Corporation, Inc., Third-Party Plaintiff,

v.

Alderman Construction; Stanley's Vinyl Fence Designs; Cohen's Drywall; and Mosley Concrete, Third-Party Defendants,

Of Whom Palmetto Pointe at Peas Island Condominium Property Owners Association, Inc. and Jack Love, Individually, and on behalf of all others similarly situated, Tri-County Roofing, Inc., Stanley's Vinyl Fence Designs, and W C Services, Inc. are the Respondents.

**HARTFORD FIRE INSURANCE COMPANY, HARTFORD CASUALTY INSURANCE COMPANY, AND HARTFORD UNDERWRITERS INSURANCE COMPANY'S
MOTION IN SUPPORT OF APPLICATION OF STEVEN M. KLEPPER, ESQUIRE,
FOR ADMISSION PRO HAC VICE**

In accordance with the South Carolina Appellate Court Rules, Rule 404, the undersigned ("Movants") respectfully move for the admission *pro hac vice* of Steven M. Klepper, Esquire, of the law firm of Kramon & Graham, P.A., One South Street, Suite 2600, Baltimore, Maryland 21202, (410) 752-6030, for the purposes of a limited appearance as co-counsel on behalf of Hartford Fire Insurance Company, Hartford Casualty Insurance Company, and Hartford Underwriters Insurance Company ("Hartford"), in regard to a Motion for Leave to File Amicus Curiae Brief and the filing of an Amicus Brief on behalf of Hartford in the above referenced matter, and in support thereof states as follows:

1. Steven M. Klepper, Esquire, is not a resident of the State of South Carolina and is not admitted to practice in South Carolina. Mr. Klepper resides in Baltimore, Maryland and is a member in good standing of the Maryland State Bar and United States District Court for the District of Maryland. Mr. Klepper has never been subject to any disciplinary proceedings, disbarred, suspended or otherwise reprimanded for professional misconduct by any court, bar association, or other regulatory body.

2. In accordance with South Carolina Appellate Court Rules, Rule 404, Steven M. Klepper, Esquire, has submitted a verified application, certificate of good standing from the Maryland Bar, and made payment in the amount of \$250 to the Clerk of the South Carolina Supreme Court. Said items are attached hereto as Exhibit "A".

3. Steven M. Klepper, Esquire, agrees to comply with the provisions of the South Carolina Rules of Professional Conduct and consents to the jurisdiction of the courts and the Bar of the State of South Carolina.

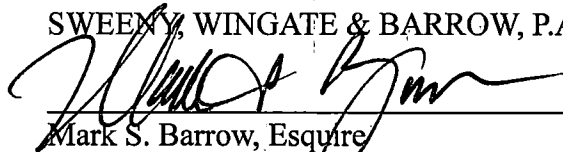
4. Movants, Mark S. Barrow, Esquire, and Christy E. Mahon, Esquire, of Sweeny, Wingate & Barrow, P.A., whose office is located at 1515 Lady Street, Columbia, South Carolina, 29201, are active members in good standing of the South Carolina Bar.

Pursuant to Rule 11, SCRCP, counsel certifies that consultation could not be timely held.

WHEREFORE, Movants respectfully request permission for the appearance for this cause only.

Respectfully submitted,

SWEENEY, WINGATE & BARROW, P.A.



Mark S. Barrow, Esquire
Christy E. Mahon, Esquire
1515 Lady Street
Post Office Box 12129
Columbia, South Carolina 29211

*Attorneys for Hartford Fire Insurance Company,
Hartford Casualty Insurance Company, and
Hartford Underwriters Insurance Company*

Columbia, South Carolina
September 5, 2019

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Jennifer B. McCoy, Circuit Court Judge

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S.C. SUPREME COURT

Ex Parte:

Builders Mutual Insurance Company, Nationwide Mutual Fire Insurance Company,
Nationwide Mutual Insurance Company, and Nautilus Insurance Company, Appellants,

In Re:

Palmetto Pointe at Peas Island Condominium Property Owners Association, Inc., and
Jack Love, Individually, and on behalf of all others similarly situated, Plaintiffs,

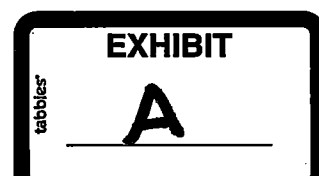
v.

Island Pointe, LLC; Leonard T. Brown; Complete Building Corporation; Tri-County
Roofing, Inc.; Creekside, Inc.; American Residential Services, LLC d/b/a Rescue Rooter
Charleston; Andersen Windows, Inc.; Atlantic Building Construction Services, Inc. n/k/a
Atlantic Construction Services, Inc.; Christopher N. Union; Builder Services Group, Inc.
d/b/a Gale Contractor Services; Novus Architects, Inc. f/k/a SGM Architects, Inc.; Tallent
and Sons, Inc.; W C Services, Inc., CRG Engineering, Inc.; Certainteed Corporation;
Kelly Flooring Products, Inc. d/b/a Carpet Baggers and John Doe 1-60, Defendants,

Tri-County Roofing, Inc., Third-Party Plaintiff,

v.

Cornerstone Construction and Mark Malloy d/b/a Cornerstone Construction; Gutter
Works, Inc. and Michael L. Segars d/b/a Gutter Works; Mr. Gutter; Litchfield Seamless
Gutters & Windows, LLC and Thomas Litchfield d/b/a Litchfield Seamless Gutter;
Miracle Siding, LLC and Wilson Lucas Sales d/b/a Miracle Siding, LLC; Mark Palpoint



a/k/a Micah Palpoint; Elroy Alonzo Vasquez; and Chris a/k/a John Doe 61, Third-Party Defendants.

And

Complete Building Corporation, Inc., Third-Party Plaintiff,

v.

Alderman Construction; Stanley's Vinyl Fence Designs; Cohen's Drywall; and Mosley Concrete, Third-Party Defendants,

Of Whom Palmetto Pointe at Peas Island Condominium Property Owners Association, Inc. and Jack Love, Individually, and on behalf of all others similarly situated, Tri-County Roofing, Inc., Stanley's Vinyl Fence Designs, and W C Services, Inc. are the Respondents.

PRO HAC VICE APPLICATION

NOW COMES Steven M. Klepper, applicant herein, and respectfully represents the following:

1. Applicant resides at: 2921 Guilford Avenue, Baltimore, Maryland 21218.
2. Applicant is an attorney and a member of the law firm of Kramon & Graham, P.A., One South Street, Suite 2600, Baltimore, Maryland 21202, 410-752-6030 (office), 410-539-1269 (facsimile).
3. Applicant has been retained personally or as a member of the above named law firm by Hartford Fire Insurance Company, Hartford Casualty Insurance Company, and Hartford Underwriters Insurance Company to provide legal representation in connection with the above case now pending before the above-named court of the State of South Carolina.

4. Since 2001 applicant has been, and presently is, a member in good standing of the bar of the highest court of Maryland where applicant regularly practices law.

Attached is a certificate of good standing.

5. Applicant is admitted to practice before the following courts:

- A. Maryland Court of Appeals;
- B. District of Columbia Court of Appeals;
- C. United States District Court for the District of Maryland;
- D. United States District Court for the District of Columbia;
- E. United States District Court for the Western District of Texas;
- F. United States District Court for the Western District of Tennessee;
- G. United States Court of Appeals for the District of Columbia Circuit;
- H. United States Court of Appeals for the Third Circuit;
- I. United States Court of Appeals for the Fourth Circuit;
- J. United States Court of Appeals for the Eighth Circuit;
- K. United States Court of Appeals for the Ninth Circuit;
- L. United States Court of Appeals for the Eleventh Circuit; and
- M. Supreme Court of the United States

Applicant is presently a member in good standing of the bars of those courts listed above.

6. Applicant presently is not subject to any suspension or disbarment proceedings, and has not been formally notified of any complaints pending before a disciplinary agency.

7. Applicant never has had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked.

8. Applicant has never had any certificate or privilege to appear and practice before any administrative body suspended or revoked.

9. Local counsel of record associated with applicant in this case is Mark S. Barrow and Christy E. Mahon of Sweeny, Wingate & Barrow, P.A., 1515 Lady Street,

Post Office Box 12129, Columbia, South Carolina 29211, County of Richland,

Telephone number: (803) 256-2233.

10. Applicant has previously filed an application to appear *pro hac vice* in the following South Carolina cases:

Ex parte Hartford Fire Insurance Company, Appellate Case No. 2017-002146, in the Supreme Court of South Carolina

Status: Dismissed, January 30, 2019

Date of Application: March 9, 2018

Local Counsel: Everett A. Kendall, II, and Christy E. Mahon of Sweeny, Wingate & Barrow, P.A.

Motion Granted: March 12, 2018

Hendrick Automotive Group v. Hartford Fire Insurance Co., Case No. 2:16-cv-1073-RMG, in the U.S. District Court for the District of South Carolina

Status: Dismissed with prejudice, October 28, 2016

Date of Application: May 31, 2016

Local Counsel: Morgan S Templeton, Wall Templeton & Haldrup, P.A.

Motion Granted: June 2, 2016

Hartford Fire Insurance Company v. Harleysville Mutual Insurance Co., in the U.S. District Court for the District of South Carolina, No. 2:11-cv-03081-RMG

Status: Dismissed, May 21, 2012

Date of Application: December 16, 2011

Local Counsel: Morgan S Templeton, Wall Templeton & Haldrup, P.A.

Motion Granted: December 20, 2011

11. Applicant agrees to comply with the applicable statutes, laws and rules of the State of South Carolina and will familiarize himself with and comply with the South Carolina Rules of Professional Conduct. Applicant consents to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct.

12. Applicant respectfully requests to be admitted to practice in the above named court for this case only.

DATED this 3rd day of September, 2019.

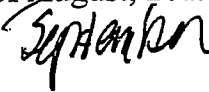


Steven M. Klepper

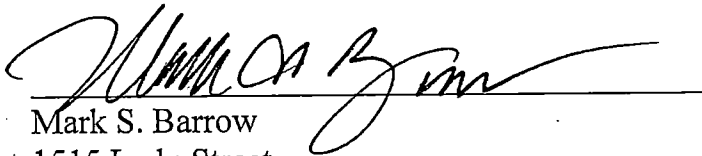
LOCAL COUNSEL CONSENT

I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

DATED this 5 day of August, 2019.



SWEENEY, WINGATE & BARROW, P.A.



Mark S. Barrow
1515 Lady Street
Post Office Box 12129
Columbia, South Carolina 29211

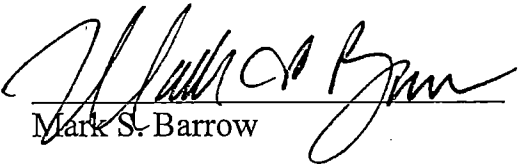
*Attorney for Amici Curiae
Hartford Fire Insurance Company, Hartford Casualty
Insurance Company, and Hartford Underwriters
Insurance Company*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 5th day of September, 2019, a true copy of this application has been served upon the South Carolina Supreme Court via hand delivery and opposing counsel by mailing a copy properly addressed with sufficient postage affixed thereto as follows:

South Carolina Supreme Court Office of Bar Admissions, P.O. Box 11330, Columbia, South Carolina 29211, accompanied by payment of the \$250 filing fee payable to the South Carolina Supreme Court

Counsel of Record

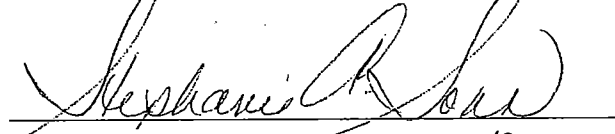

Mark S. Barrow

VERIFICATION

I, Steven M. Klepper, do hereby swear or affirm under penalty of perjury that I am the applicant in the above styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true.


Steven M. Klepper

Subscribed and sworn to be me on this 3rd day of September, 2019.



Notary Public for the State of Maryland

My Commission Expires: 4/17/23



**Court of Appeals
of Maryland**
Annapolis, MD



CERTIFICATE OF GOOD STANDING

STATE OF MARYLAND, ss:

*I, Suzanne Johnson, Clerk of the Court of Appeals of Maryland,
do hereby certify that on the twelvth day of December, 2001,*

Steven Michael Klepper

*having first taken and subscribed the oath prescribed by the Constitution and
Laws of this State, was admitted as an attorney of said Court, is now in good
standing, and as such is entitled to practice law in any of the Courts of said
State, subject to the Rules of Court.*

In Testimony Whereof, *I have hereunto
set my hand as Clerk, and affixed the Seal
of the Court of Appeals of Maryland, this
twenty sixth day of August, 2019.*

A handwritten signature in cursive script, appearing to read "Suzanne Johnson", is written over a horizontal line.

Clerk of the Court of Appeals of Maryland



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SEP 05 2019

SWEENEY WINGATE & BARROW P.A. S.C. SUPREME COURT

September 5, 2019

Reply to: Main Office

Christy E. Mahon
(803) 256-2233 x7157
cem@swblaw.com

VIA HAND DELIVERY

Daniel E. Shearouse
Supreme Court of South Carolina
1231 Gervais Street
Columbia, South Carolina 29201

RE: Palmetto Pointe
Trial Court Case No. 2015-CP-10-00955; Appellate Case No. 2019-000238
Our File: 4760-12302

Dear Mr. Shearouse:

Enclosed please find the original and one (1) copy of the Hartford Fire Insurance Company's, Hartford Casualty Insurance Company's, and Hartford Underwrite Insurance Company's Motion In Support Of Application Of Steven M. Klepper, Esquire, for Admission Pro Hac Vice in order to file a Motion for Leave to File Amicus Curiae Brief and the filing of an Amicus Brief. I would appreciate your filing the original and returning the remaining clocked copy to me via the runner from our office.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Yours truly,

SWEENEY, WINGATE & BARROW, P.A.


Christy E. Mahon

CEM/mha
Enclosures

VIA ELECTRONIC TRANSMISSION

cc: All counsel of record