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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
The Honorable Michael G. Nettles, Circuit Court Judge

Appellate Case No. 2019-001488
Civil Action Case No. 2018-CP-40-06344

MB Hutson/MB Hudson,

APPELLANT,

v.

Penn America Insurance Company, Global Indemnity Group, Inc.,
Timothy J. Newton, Esq., J.R. Murphy, Esq., John Doe #1, John Doe #2,

RESPONDENTS.

RECEIVED
OCT 25 2019
SC Court of Appeals

**RESPONDENTS PENN AMERICA INSURANCE COMPANY AND GLOBAL
INDEMNITY GROUP, INC.'S MOTION TO DISMISS APPEAL**

Respondents Penn America Insurance Company and Global Indemnity Group, Inc. (collectively "PAIC"), hereby move for an Order dismissing them from the above-captioned appeal based upon Appellant's failure to properly file and serve his Notice of Appeal. PAIC moves for this relief upon the following grounds:

"Rule 203(b), SCACR, requires a party to serve his notice of appeal within thirty days after receiving written notice of the entry of a final order or judgment, and failure to do so divests this court of subject matter jurisdiction and results in dismissal of the appeal." USAA Prop. & Cas. Ins. Co. v. Clegg, 377 S.C. 643, 651, 661 S.E.2d 791, 795 (2008) (quoting Canal Ins. Co. v.

Caldwell, 338 S.C. 1, 4, 524 S.E.2d 416, 418 (Ct.App. 1999)). “The requirement of service of the notice of appeal is jurisdictional, *i.e.*, if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to ‘rescue’ the delinquent party by extending or ignoring the deadline for service of the notice.” Id. (quoting Elam v. S.C. Dep’t of Transp., 361 S.C. 9, 14–15, 602 S.E.2d 772, 775 (2004)). Appellant’s Notice of Appeal referenced only a single Order and attached only the Order granting summary judgment in favor of Respondents Newton and Murphy. As a result, Appellant did not timely serve the requisite notice upon counsel for PAIC. Accordingly, PAIC should be dismissed as Respondents in this appeal.

RELEVANT FACTS

The underlying civil action involves claims in contract and tort brought by Appellant against his former insurer and their coverage counsel related to the defense rendered to him in two prior lawsuits—a federal class action case in which Plaintiff was sued under a third party claim for equitable indemnity and a related state defamation action—as well as a declaratory judgment action regarding PAIC’s coverage obligations in those two lawsuits. The non-fictional Respondents filed motions to dismiss and/or for summary judgment, with accompanying memoranda, documents, and affidavits. Undersigned counsel represents only PAIC. Respondents Newton and Murphy are both *pro se*.

A hearing on the respective motions was held in Richland County before The Honorable Michael G. Nettles on June 26, 2019. At the conclusion of the hearing, Judge Nettles solicited proposed orders from all parties, specifically providing that the proposed order for PAIC be separate from the proposed order for Newton and Murphy. On July 18, 2019, Judge Nettles entered two separate orders. The first, filed at 10:46 a.m., was the Order Granting Defendants Penn

America Insurance Company and Global Indemnity Group, Inc.’s Motion for Summary Judgment (“PAIC Order”). The second, filed at 10:50 a.m., was the Order Granting Defendants Newton and Murphy’s Dispositive Motions (“Newton/Murphy Order”).

On August 5, 2019, Appellant inquired of undersigned counsel whether he had heard anything from Judge Nettles regarding a ruling. Appellant indicated in a separate e-mail that he intended to appeal even though he did not have notice or a copy of the Judge’s order. Undersigned counsel responded and provided Appellant with a copy of the notice of electronic filing demonstrating that the Court had filed an Order granting summary judgment in favor of PAIC and referred Appellant to the Clerk of Court. (See attached **Exhibit A**, E-mail chain between Hutson and Stegmaier, Aug. 5, 2019). Appellant then e-mailed Judge Nettle’s chambers regarding conflicting information he received about whether an Order had been entered. Judge Nettle’s law clerk responded to Appellant and attached electronic copies of both Orders. The law clerk also offered to send copies via mail, though he noted that they would be the same as what was provided via e-mail and available on-line through the Public Index. (See attached **Exhibit B**, E-mail chain between Hutson and Law Clerk, Aug. 5, 2019). Further, the Clerk’s Office mailed copies of the lower Court’s Orders on August 6, 2019. (See attached **Exhibit C**, Form 4 Order, Aug. 6, 2019).

On September 4, 2019, Appellant filed a Notice of Appeal with this Court, which provides: “M B Hutson appeals the order [judgment] of the Honorable Michael G. Nettles filed July 18, 2019. Appellant received written notice of entry of this order [judgment] on August 5, 2019.” (emphasis in original). Thus, the Notice of Appeal refers singularly to one order or judgment. Moreover, only one of the lower Court’s Orders – the Newton/Murphy Order – was filed with Appellant’s Notice of Appeal in this Court. A copy of the Notice of Appeal was mailed to Newton,

Murphy, and counsel for PAIC on September 3, 2019. (See Notice of Appeal, Sept. 4, 2019, on file with this Court).

Appellant claims, in his September 25, 2019 filing with this Court, that despite reference to both orders in the Form 4 dated August 6, 2019, that the Clerk of Court mailed him only the Newton/Murphy Order. He claims that the Clerk of Court did not send him the PAIC Order until September 18, 2019. Thus, he asked this Court to “attach” the “recently received” PAIC Order to the Notice of Appeal filed on September 4, 2019. (See Appellant’s Notice of Appeal Attachment, Sept. 25, 2019, on file with this Court).

LAW/ANALYSIS

I. Appellant Received Notice, Pursuant to Rule 203(b)(1), of the PAIC Order on August 5, 2019, When He Was Notified of Its Entry via E-mails from PAIC’s Counsel and Judge Nettles’ Office.

Rule 203 of the South Carolina Appellate Court Rules provides that “[a] party intending to appeal must serve and file a notice of appeal and otherwise comply with these Rules.” Rule 203(a), SCACR. For appeals from the Court of Common Pleas, the notice of appeal must be served “on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment.” Rule 203(b)(1), SCACR.

“Receipt of written notice is the critical event under Rule 203(b)(1).” Wells Fargo Bank, N.A. v. Fallon Properties S.C., LLC, 413 S.C. 642, 646, 776 S.E.2d 575, 577 (Ct. App. 2015), *affirmed as modified by* 422 S.C. 211, 810 S.E.2d 856 (2018). “[A]n email providing written notice of entry of an order or judgment for purposes of Rule 203(b)(1), SCACR triggers the time to appeal *as long as the email is received from the court, an attorney of record, or a party.*” Wells Fargo Bank, N.A. v. Fallon Properties S.C., LLC, 422 S.C. 211, 216-17, 810 S.E.2d 856, 858-59 (2018) (emphasis in original) (rejecting petitioners’ contention that the time to serve a

notice of appeal is only triggered at the time the parties receive written notice of the entry of an order or judgment by mail or hand delivery); see also Canal Insurance Company v. Caldwell, 338 S.C. 1, 524 S.E.2d 416 (Ct. App. 1999) (holding that a fax from opposing counsel explaining judgment had been entered and providing the judgment roll number constituted receipt of written notice of entry of the judgment for purposes of Rule 203(b)(1), SCACR, and triggered the time to appeal).

Here, while the lower Court's Order was filed on July 18, 2019, Appellant did not receive written notice of the entry of the PAIC Order until August 5, 2019. Such notice was provided via e-mail from two different sources. First, undersigned counsel e-mailed Appellant a copy of the notice of electronic filing that indicated that the Court had entered a written order granting PAIC's motion for summary judgment. (See Exhibit A). Second, that same day, Judge Nettle's law clerk e-mailed Appellant copies of the PAIC Order and the Newton/Murphy Oder. (See Exhibit B). Consequently, Appellant's Notice of Appeal from the PAIC Order was required to be served on or before September 4, 2019.

II. Appellant Failed to Properly Notice an Appeal from the PAIC Order and Such Failures Constitute More Than Clerical Errors That Can Be Remedied.

Appellant's failure to list or attach the PAIC Order is fatal to his appeal. In addition to being substantially in the form designated in the Appendix to the appellate rules, a notice of appeal from the Circuit Court must contain the following information:

- (A) The name of the court, judge, and county from which the appeal is taken.
- (B) The docket number of the case in the lower court.
- (C) The date of the order, judgment, or sentence from which the appeal is taken; and if appropriate for the determination of the timeliness of the appeal, a statement of when the appealing party received notice of the order or judgment from which the appeal is taken, or, if a cross-appeal, when the respondent received appellant's notice of appeal.
- (D) The name of the party taking the appeal.

(E) The names, mailing addresses, and telephone numbers of all attorneys of record and the names of the party or parties represented by each.

Rule 203(e)(1), SCACR. Further, the notice of appeal filed with the appellate court must be accompanied by proof of service showing that the notice has been served on all respondents; a copy of the order(s) and judgment(s) to be challenged on appeal if they have been reduced to writing; and the requisite filing fee. Rule 203(d)(1)(B)(i)-(iii), SCACR.

This Court should reject any contention that Appellant's omissions in the notice of appeal and in his filing with this Court were mere "clerical errors" that can be remedied. See Charleston Lumber Co. v. Miller Hous. Corp., 318 S.C. 471, 478, 458 S.E.2d 431, 435 (Ct. App. 1995) ("Clerical errors in a notice of appeal do not destroy the appeal."). In Charleston Lumber, the appellant brought five lawsuits to enforce the collection of a single promissory note, which differed only with respect to the property descriptions. Id. at 477, 458 S.E.2d at 435. In finding that the failure to include one of the underlying case numbers on the notice of appeal and amended notice of appeal was not fatal, the Court noted that both notices stated it was an "appeal from the following Orders and/or Judgments," and each of the orders was described and attached. Id. at 478, 458 S.E.2d at 436. Similarly, in Weatherford v. Price, 340 S.C. 572, 578, 532 S.E.2d 310, 313 (Ct. App. 2000), the Court found that where appellant failed to refer to the trial court's original order in the notice of appeal but did attach a copy of the order to the notice, the "omission is of a clerical nature only and this Court has jurisdiction to hear the appeal."

However, in Conner v. City of Forest Acres, 348 S.C. 454, 460-61, 560 S.E.2d 606, 609 (2002), our Supreme Court found error in the acceptance of a backdated notice of appeal where the original notice appeal failed to list two of the defendants, Rowe and Langley, as respondents. Rowe and Langley argued that the appellant initially pursued an appeal against the City only, which was confirmed by the subsequent correspondence between Conner and the Court of

Appeals. Conner, 348 S.C. at 461, 560 S.E.2d at 609. In light of the appellant's error, Rowe and Langley were not served with a notice of appeal naming them as respondents within the 30-day time period, which the Court had no authority to extend or expand. Id.

In Mason v. Mason, 412 S.C. 28, 59, 770 S.E.2d 405, 421 (Ct. App. 2015), the accountant defendant, Irwin Levine ("Accountant"), argued that the appellant did not perfect his appeal as to Accountant because he did not name Accountant as a respondent or attach a copy of the order regarding his cause of action against Accountant to his notice of appeal. Although he added Accountant as a respondent when he filed his amended notice of appeal within thirty days of the order, he did not attach a copy of the order relating to Accountant until he filed his second amended notice of appeal, which was more than thirty days after the underlying order had been filed. 412 S.C. at 59, 770 S.E.2d at 421. The Mason Court did not find the delay in including the order to require dismissal of the appeal, noting the order was added "more timely" than in Conner. Id. at 60, 770 S.E.2d at 422. Rather, the Court ruled that the appeal was proper "because Accountant at least had notice he was a party to the appeal within the time required to file an appeal from the special referee's decision." Id.

Applying the above line of jurisprudence to the present case, it is notable that the Notice of Appeal filed by Appellant referred to only one order entered on July 18, 2019, and only the Newton/Murphy Order accompanied the filing of the Notice of Appeal at the appellate court. See Rule 203(d)(1)(B)(ii), SCACR. Thus, unlike Charleston Lumber and Weatherford, the PAIC Order was not referenced or attached to the Notice of Appeal. Additionally, the substance and basis of the Newton/Murphy Order and the PAIC Order varied significantly.

In Appellant's September 25, 2019, filing with this Court he makes clear that his attachment of only the Newton/Murphy Order was not inadvertent or by mistake. Rather, contrary

to our case law regarding written notice, Appellant was waiting for the Clerk to mail him a physical copy of the PAIC Order before sending it to the appellate court. This was despite the fact that Appellant was provided a copy of the PAIC Order by e-mail from Judge Nettles' law clerk on August 5, 2019. If Appellant intended for his original Notice of Appeal to include the PAIC Order, he could have made reference to multiple orders within the body of the Notice and/or given some indication that the PAIC Order would be forthcoming. Instead, Appellant is attempting to argue both that he was without proper notice of the PAIC Order until September 18, 2019, and that he intended to notice an appeal from the PAIC Order on September 4, 2019. His inconsistent averments and failure to admit that he received a copy of the Order via e-mail on August 5, 2019, are indicative of Appellant's lack of candor with this Court.

Further, while the Notice of Appeal did list Penn America Insurance Company and Global Indemnity Group, Inc., as Respondents, this is far from determinative, where Appellant also listed "John Doe #1" and "John Doe #2" as Respondents. Under these circumstances, Appellant's Notice sent to counsel for PAIC on September 3, 2019 did not adequately put PAIC on notice that the PAIC Order was part of the instant appeal.

Appellant should not be permitted to attempt to correct his failure to properly notice an appeal from the PAIC Order now. Instead, this Court should find that PAIC was not properly served with a Notice of Appeal related to the PAIC Order, such that this Court lacks jurisdiction to entertain an appeal from it. Conner, 348 S.C. at 461, 560 S.E.2d at 609 (2002) ("Service of the notice of intent to appeal is a jurisdictional requirement, and the Court has no authority to extend or expand the time in which the notice of intent to appeal must be served."). Accordingly, Penn America Insurance Company and Global Indemnity Group, Inc. should be dismissed as Respondents.

CONCLUSION

Based on the foregoing, Respondents Penn America Insurance Company and Global Indemnity Group, Inc., respectfully request that this Honorable Court dismiss them from the above-captioned appeal.

Respectfully submitted,

COLLINS & LACY, P.C.



CHRISTIAN STEGMAIER

S.C. Bar No. 68648

LAURA R. BAER

S.C. Bar No. 101076

1330 Lady Street, Sixth Floor

P.O. Box 12487

Columbia, SC 29211

(803) 255-0404 (phone)

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ATTORNEYS FOR RESPONDENTS PENN
AMERICA INSURANCE COMPANY AND
GLOBAL INDEMNITY GROUP, INC.

**RESPONDENTS PENN AMERICA
INSURANCE COMPANY AND GLOBAL
INDEMNITY GROUP, INC.'S MOTION TO
DISMISS APPEAL**

October 25, 2019

EXHIBIT A

Natalia V. Ertseva-Thomas

From: Christian Stegmaier
Sent: Monday, August 5, 2019 2:07 PM
To: H Hutson; Tim J. Newton; J. R. Murphy; Nettles, Michael G. Law Clerk (Willie McAbee)
Subject: RE: MB Hutson vs. Penn America.....
Attachments: Courtesy NEF RE: 2018CP4006344

The order was entered on July 18. See attached. We refer you the Clerk for any further guidance.

CS

From: H Hutson <hutson4444@gmail.com>
Sent: Monday, August 5, 2019 2:04 PM
To: Christian Stegmaier <cstegmaier@collinsandlacy.com>; Tim J. Newton <newton@murphygrantland.com>; J. R. Murphy <jrmurphy@murphygrantland.com>; Nettles, Michael G. Law Clerk (Willie McAbee) <mnettleslc@sccourts.org>
Subject: Re: MB Hutson vs. Penn America.....

Christian, I plan to appeal even though I don't as yet have a notice nor a mailed copy of the Judge's order. The Richland County Clerk just told me that the Judge had not ruled as of yet. Please be advised that on this day, August 5, 2019 I have just been put on notice even though I still don't have a signed order from Judge Nettles to Appeal.

MB Hutson

On Monday, August 5, 2019, Christian Stegmaier <cstegmaier@collinsandlacy.com> wrote:

> On Aug 5, 2019, at 1:12 PM, H Hutson <hutson4444@gmail.com> wrote:
>
> Good afternoon Christian, have you heard anything from Judge Nettles regarding a ruling?
>
> MB Hutson
>
>
> --
>
> 803-308-2714
Christian Stegmaier

Direct: (803) 255-0454
Main: (803) 256-2660
Fax: (803) 771-4484
Vcard: [download vcard<http://www.collinslacy.net/vcards/cstegmaier.vcf>](http://www.collinslacy.net/vcards/cstegmaier.vcf)
Web: [www.collinsandlacy.com<http://www.collinsandlacy.com>](http://www.collinsandlacy.com)

1330 Lady Street, 6th Floor
Columbia, SC 29201

[\[http://www.collinslacy.net/images/cllogo2.jpg\]](http://www.collinslacy.net/images/cllogo2.jpg) <<http://www.collinsandlacy.com>>

Confidentiality Note: The preceding email message may be confidential or protected by the attorney-client privilege. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this message in error, please (i) do not read it, (ii) reply to the sender that you received the message in error, and (iii) erase or destroy the message. Legal advice contained in the preceding message is solely for the benefit of the Collins and Lacy, P. C. client(s) represented by the Firm in the particular matter that is the subject of this message, and may not be relied upon by any other party.

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803-308-2714

EXHIBIT B

Natalia V. Ertseva-Thomas

From: Nettles, Michael G. Law Clerk (Willie McAbee) <MNettlesLC@sccourts.org>
Sent: Monday, August 5, 2019 2:52 PM
To: H Hutson; Tim J. Newton; J. R. Murphy; Christian Stegmaier
Subject: RE: Ruling from Judge Nettles

Mr. Hutson,

Ever since South Carolina moved to the e-filing system it is standard for judges to electronically upload orders that they have signed (or will sign) and then sign them. Once they are electronically signed they are then electronically filed by the local Clerk of Court's office. Generally under Rule 6(c) of the South Carolina E-Filing Rules once an order has been signed the Clerk of Court is to transmit to all persons who are not authorized e-filers (for example a *pro se* party such as yourself) a notice that there has been an order which was electronically filed. I cannot speak as to why the Richland County Clerk's Office did not send you a notification as to the filing of the order. However, it has never been the practice of Judge Nettles chambers to send signed copies of the order in question to the parties. I am more than happy to send you a copy of the orders via U.S. Mail. However, such orders would be no different than the previous copies that I e-mailed to you or from the ones which you could view online at www.sccourts.org. Again though if you do wish to have hard copies mailed to you I will print them off of the public index and mail them to whichever address that you wish.

Will McAbee
Law Clerk

From: H Hutson <hutson4444@gmail.com>
Sent: Monday, August 5, 2019 2:42 PM
To: Nettles, Michael G. Law Clerk (Willie McAbee) <MNettlesLC@sccourts.org>; Tim J. Newton <tnewton@murphygrantland.com>; J. R. Murphy <jrmurphy@murphygrantland.com>; Christian Stegmaier <cstegmaier@collinsandlacy.com>
Subject: Re: Ruling from Judge Nettles

*** **EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

Michael, please send me a copy of the ruling in the U.S. Mail. I do plan to file for an Appeal within ten days from today's date, August 5, 2019. Why was I not provided a copy of the ruling in a timely manner?

On Monday, August 5, 2019, H Hutson <hutson4444@gmail.com> wrote:

----- Forwarded message -----

From: Nettles, Michael G. Law Clerk (Willie McAbee) <MNettlesLC@sccourts.org>
Date: Monday, August 5, 2019
Subject: Ruling
To: H Hutson <hutson4444@gmail.com>

I am not sure about the confusion on the end of the Clerk's office. However, it is true that Judge Nettles has ruled in favor of the Defendants. I am attaching the two orders that were signed by Judge Nettles in this matter.

From: H Hutson <hutson4444@gmail.com>
Sent: Monday, August 5, 2019 1:37 PM
To: Nettles, Michael G. Law Clerk (Willie McAbee) <MNettlesLC@sccourts.org>
Subject: Ruling

*** **EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

August 5, 2019

Michael, I was just told by Penn America's attorney that Judge Nettles has rule in favor of the Defendants. I have not received any order or notice from anyone. Please respond. I also just spoke with the Richland County Clerk and she stated that Judge Nettles has not ruled as of yet. What's going on?????????????

MB Hutson

--

803-308-2714

~~~~ CONFIDENTIALITY NOTICE ~~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

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803-308-2714

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803-308-2714

# **EXHIBIT C**

STATE OF SOUTH CAROLINA  
COUNTY OF Richland  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2018CP4006344

MB Hutson et al  
PLAINTIFF(S)

John Doe #1 et al  
DEFENDANT(S)

**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order (formal order to follow)  Statement of Judgment by the Court:

See orders granting summary judgment which were signed on July 18, 2019.

**ORDER INFORMATION**

This order  ends  does not end the case.  See Page 2 for additional information.

**For Clerk of Court Office Use Only**

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 08/06/2019 ..

John Doe #1  
MB Hutson for MB Hutson  
MB Hutson for MB Hutson  
John Doe #2  
MB Hudson

**NAMES OF TRADITIONAL FILERS SERVED BY MAIL**

**Court Reporter:**

**E-Filing Note:** The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.

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Richland Common Pleas

**Case Caption:** MB Hutson , plaintiff, et al vs Penn America Insurance Company ,  
defendant, et al  
**Case Number:** 2018CP4006344  
**Type:** Order/Electronic Form 4

So Ordered

s/ The Honorable Michael G. Nettles #2140

**CERTIFICATE OF SERVICE**

I, the undersigned, attorney for Respondents Penn America Insurance Company and Global Indemnity Group, Inc., do hereby certify that I have this date served the foregoing Motion to Dismiss Appeal, dated October 25, 2019, by causing the same to be deposited in a United States Postal Service mailbox, postage prepaid, addressed to the following:

MB Hutson/MB Hudson  
Post Office Box 2755  
Orangeburg, SC 29116  
*Pro Se Appellant*

John R. Murphy, Esquire  
Timothy J. Newton, Esquire  
Murphy & Grantland, P.A.  
Post Office box 6648  
Columbia, SC 29260  
*Pro Se Respondents*

**RECEIVED**  
OCT 25 2019  
SC Court of Appeals



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CHRISTIAN STEGMAIER  
S.C. Bar No. 68648  
LAURA R. BAER  
S.C. Bar No. 101076  
1330 Lady Street, Sixth Floor  
P.O. Box 12487  
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(803) 255-0404 (phone)  
(803) 771-4484 (fax)

ATTORNEYS FOR RESPONDENTS PENN  
AMERICA INSURANCE COMPANY AND  
GLOBAL INDEMNITY GROUP, INC.

Dated: October 25, 2019.



Christian Stegmaier | D: 803.255.0454 | E: cstegmaier@collinsandlacy.com

October 25, 2019

**VIA HAND-DELIVERY**

The Honorable Jenny A. Kitchings  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

**Re: MB Hutson/MB Hudson v. Penn America Insurance Company, Global Indemnity Group, Inc., Timothy J. Newton, Esq., J.R. Murphy, Esq., John Doe #1, and John Doe #2**  
**Appellate Case No. 2019-001488**  
**Claim No. 16011284**  
**C&L File No. 000774-01021**

**RECEIVED**

**OCT 25 2019**

**SC Court of Appeals**

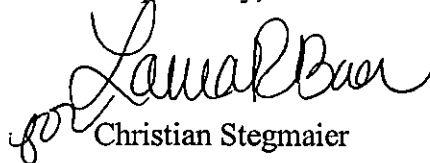
Dear Ms. Kitchings:

Please find enclosed for filing the unbound original and seven (7) copies of Respondents Penn America Insurance Company and Global Indemnity Group, Inc.'s Motion to Dismiss Appeal in the above referenced matter. Also enclosed is our firm's check in the amount of \$50.00, representing the filing fee of same. Please file the original and return a clocked copy of same via our courier.

By copy of this letter and enclosure, we are serving same on all parties.

Thank you for your time and attention. Should you have any questions or concerns, please do not hesitate to contact us.

Respectfully,

  
Christian Stegmaier

CS/net  
Enclosures

cc (via U.S. Mail and email):

M. B. Hutson, Appellant *pro Se*  
John Robert Murphy, Esquire, Murphy & Grantland, P.A.  
Tim Newton, Esquire, Murphy and Grantland, PA.