

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Clifton Newman, Circuit Court Judge

Appellate Case No. 2019-001053

RECEIVED

DEC 04 2019

S.C. SUPREME COURT

Ex. Parte: Hartford Fire Insurance Company, Hartford Casualty Insurance Company, American Empire Surplus Lines Insurance Company, BITCO General Insurance Corporation, Clarendon National Insurance Company, Harleysville Insurance Company n/k/a Nationwide Insurance Company, Selective Insurance Company, Crum & Forster Specialty Insurance Company, and First Mercury Insurance Company, Appellants

In Re:

The Havens Condominium Association, Plaintiff,

v.

Centex Homes, et al., Defendants,

The River Crossing Condominium Association, and Vincent J. Tamburro, on behalf of himself and others similarly situated Plaintiffs

v.

Centex Homes, et al., Defendants,

The Tanglewood Condominium Association Plaintiff,

v.

Centex Homes, a Nevada General Partnership, et al., Defendants,

The Woodlands Condominium Association Plaintiff,

v.

Centex Homes, a Nevada General Partnership, et al., Defendants,

Of Which, The Havens Condominium Association, The River Crossing Condominium Association, Vincent J. Tamburro, The Tanglewood Condominium Association, The Woodlands Condominium Association, and Centex Homes, a Nevada General Partnership, are the Respondents.

Designation of Matter by American Empire Surplus Lines Insurance Company, BITCO General Insurance Corporation, Clarendon National Insurance Company, Harleysville Insurance Company n/k/a Nationwide Insurance Company, Selective Insurance Company, Crum & Forster Specialty Insurance Company, and First Mercury Insurance Company

Appellants¹ designate the following matters for the Record under Rule 209, SCACR:

ORDERS

All Four Cases on Appeal

1. Judge Newman's Order denying Motions to Intervene, June 21, 2019.
2. Order Denying Plaintiff's Motion to Enforce Automatic Stay and Granting Centex's Motion to Lift Automatic Stay, September 9, 2019.

PLEADINGS

The River Crossing (No. 2015-CP-26-00279)

3. Summons and Complaint, filed January 13, 2015.
4. Amended Summons and Complaint, filed February 13, 2015.
5. Answer to the Amended Complaint by Centex, filed February 27, 2015.

The Havens (No. 2015-CP-26-00118)

6. Summons and Complaint, filed January 9, 2015.
7. Amended Summons and Complaint, filed February 18, 2015.
8. Answer to the Amended Complaint, Crossclaims and Third Party Complaint by Centex, filed January 26, 2015.

Tanglewood (No. 2015-CP-26-02718)

9. Summons and Complaint, filed April 10, 2015.
10. Centex Answer to Plaintiff's Complaint and Third Party Complaint, filed April 16, 2015
11. Amended Answer to the Plaintiff's Complaint and Third Party Complaint by Centex Construction, filed May 18, 2015.

¹ Nine insurance companies appealed the trial court's order denying their motions to intervene. Seven of the insurers join this Designation of Matter: American Empire Surplus Lines Insurance Company, BITCO General Insurance Corporation, Clarendon National Insurance Company, Successor by Merger to Clarendon America Insurance Company, Harleysville Insurance Company n/k/a Nationwide Insurance Company, Selective Insurance Company, Crum & Forster Specialty Insurance Company, and First Mercury Insurance Company (collectively, the "Insurers").

The Woodlands (No. 2015-CP-26-04514)

12. Summons and Complaint, filed June 17, 2015.
13. Answer to the Plaintiff's Complaint and Third Party Complaint, by Centex, filed July 22, 2015.

TRANSCRIPT

14. Transcript of Motion to Intervene Hearing dated April 25, 2019.

MOTIONS

The River Crossing (No. 2015-CP-26-00279)

15. Hartford Fire Insurance Company and Hartford Casualty Insurance Company Motion to Intervene, filed December 8, 2017.
16. Selective Insurance Company of South Carolina's Motion for Limited Intervention or Alternatively For Order of Protection of Rights, filed December 18, 2017.
17. Harleysville Insurance/Nationwide Motion for Limited Intervention or Alternatively For Order of Protection of Rights, filed December 18, 2017.
18. BITCO General Insurance Corporation Motion for Limited Intervention or Order for Protection of Rights, filed December 21, 2017.
19. American Empire Surplus Lines Insurance Company Motion to Intervene, filed May 3, 2018.
20. Clarendon National Insurance Company Motion to Intervene, filed May 8, 2018.
21. River Crossing's Motion to Enforce Automatic Stay, filed July 23, 2019.
22. Centex Homes' Motion to Lift Automatic Stay, filed July 26, 2019.

The Havens (No. 2015-CP-26-00118)

23. Selective Insurance Company of South Carolina's Motion for Limited Intervention or Alternatively For Order of Protection of Rights, filed February 2, 2018
24. Harleysville Insurance/Nationwide Motion for Limited Intervention or Alternatively For Order of Protection of Rights, filed February 2, 2018.
25. Crum & Forester Specialty Insurance Company's and First Mercury Insurance Company's Motion to Intervene, filed February 27, 2018.

26. Havens' Motion to Enforce Automatic Stay, filed July 23, 2019.
27. Centex Homes' Motion to Lift Automatic Stay, filed July 26, 2019.

Tanglewood (No. 2015-CP-26-02718)

28. Hartford Fire Insurance Company and Hartford Casualty Insurance Company Motion to Intervene, filed December 8, 2017.
29. Selective Insurance Company of South Carolina's Motion for Limited Intervention or Alternatively For Order of Protection of Rights, filed December 18, 2017.
30. Harleysville Insurance/Nationwide Motion for Limited Intervention or Alternatively For Order of Protection of Rights, filed December 18, 2017.
31. American Empire Surplus Lines Insurance Company Motion to Intervene, filed May 1, 2019.
32. Clarendon National Insurance Company Motion to Intervene, filed April 24, 2019.
33. Tanglewood's Motion to Enforce Automatic Stay, filed July 23, 2019.
34. Centex Homes' Motion to Lift Automatic Stay, filed July 26, 2019.

The Woodlands (No. 2015-CP-26-04514)

35. Selective Insurance Company of South Carolina's Motion for Limited Intervention or Alternatively For Order of Protection of Rights, filed February 2, 2019.
36. Harleysville Insurance/Nationwide Motion for Limited Intervention or Alternatively For Order of Protection of Rights, filed February 2, 2019.
37. BITCO General Insurance Corporation Motion for Limited Intervention or Order for Protection of Rights, filed March 26, 2018.
38. American Empire Surplus Lines Insurance Company Motion to Intervene, filed May 1, 2019.
39. Clarendon National Insurance Company Motion to Intervene, filed April 24, 2019.
40. Woodlands' Motion to Enforce Automatic Stay, filed July 23, 2019.
41. Centex Homes' Motion to Lift Automatic Stay, filed July 26, 2019.

MEMORANDA OF LAW

The River Crossing (No. 2015-CP-26-00279)

42. Hartford Fire Insurance Company and Hartford Casualty Insurance Company's Memorandum of Law in Support of Motion to Intervene, filed December 8, 2017.²
43. Centex's Memo in Opposition to Insurance Carriers Motions to Intervene, filed May 18, 2019.
44. River Crossing's Memo in Opposition to Insurance Carriers Motions to Intervene, filed April 24, 2019.
45. Hartford Fire Insurance Company and Hartford Casualty Insurance Company's Supplemental Memorandum of Law in Support of Motion to Intervene, filed April 24, 2019.³
46. Centex Home's Memo in Support of its Motion to Lift Automatic Stay, filed July 26, 2019.
47. River Crossing's Memo in Support of its Motion to Enforce Automatic Stay, filed August 8, 2019.

The Havens (No. 2015-CP-26-00118)

48. Centex's Memo in Opposition to Insurance Carriers Motions to Intervene, filed March 1, 2018.
49. Havens' Memo in Opposition to Insurance Carriers Motions to Intervene, filed April 24, 2019.
50. Centex Home's Memo in Support of its Motion to Lift Automatic Stay, filed July 26, 2019.
51. Havens' Memo in Support of its Motion to Enforce Automatic Stay, filed August 8, 2019.

Tanglewood (No. 2015-CP-26-02718)

52. Hartford Fire Insurance Company and Hartford Casualty Insurance Company's Memorandum of Law in Support of Motion to Intervene, filed December 8, 2017.⁴
53. Centex's Memo in Opposition to Insurance Carriers Motions to Intervene, filed April 18, 2019.

² The parties agree to omit Exhibit A from the memorandum.

³ Appellants intend to omit the exhibits from this supplemental memorandum.

⁴ Appellants intend to omit Exhibit A from the memorandum.

54. River Crossing's Memo in Opposition to Insurance Carriers Motions to Intervene, filed April 24, 2019.
55. Hartford Fire Insurance Company and Hartford Casualty Insurance Company's Supplemental Memorandum of Law in Support of Motion to Intervene, filed April 24, 2019.⁵
56. Centex Home's Memo in Support of its Motion to Lift Automatic Stay, filed July 26, 2019.
57. Tanglewood's Memo in Support of its Motion to Enforce Automatic Stay, filed August 8, 2019.

The Woodlands (No. 2015-CP-26-04514)

58. Centex's Memo in Opposition to Insurance Carriers Motions to Intervene, filed April 18, 2019.
59. River Crossing's Memo in Opposition to Insurance Carriers Motions to Intervene, filed April 24, 2019.
60. Centex Home's Memo in Support of its Motion to Lift Automatic Stay, filed July 26, 2019.
61. Woodlands' Memo in Support of its Motion to Enforce Automatic Stay, filed August 8, 2019.

NOTICES OF APPEAL

The River Crossing (No. 2015-CP-26-00279)

62. Hartford Casualty Insurance Company and Hartford Fire Insurance Company's Notice of Appeal, filed June 27, 2019.
63. BITCO General Insurance Corporation's Notice of Appeal, filed July 18, 2019.
64. Harleysville Insurance and Nationwide's Notice of Appeal, filed July 19, 2019.
65. Selective Insurance Company of South Carolina's Notice of Appeal, filed July 19, 2019.
66. American Empire Surplus Lines Insurance Company's Notice of Appeal, filed July 22, 2019.
67. Clarendon National Insurance Company's Notice of Appeal, filed July 22, 2019.

⁵ Appellants intend to omit the exhibits from this supplemental memorandum.

The Havens (No. 2015-CP-26-00118)

68. Harleysville Insurance and Nationwide's Notice of Appeal, filed July 19, 2019.
69. Selective Insurance Company of South Carolina's Notice of Appeal, filed July 19, 2019.
70. Crum & Forester Specialty Insurance Company and First Mercury Insurance Company's Notice of Appeal, filed July 22, 2019.

Tanglewood (No. 2015-CP-26-02718)

71. Hartford Casualty Insurance Company and Hartford Fire Insurance Company Notice of Appeal, filed June 27, 2019.
72. Harleysville Insurance and Nationwide's Notice of Appeal, filed July 19, 2019.
73. Selective Insurance Company of South Carolina's Notice of Appeal, filed July 19, 2019.
74. American Empire Surplus Lines Insurance Company's Notice of Appeal, filed July 22, 2019.
75. Clarendon National Insurance Company's Notice of Appeal, filed July 22, 2019.

The Woodlands (No. 2015-CP-26-04514)

76. BITCO General Insurance Corporation's Notice of Appeal, filed July 18, 2019.
77. Harleysville Insurance and Nationwide's Notice of Appeal, filed July 19, 2019.
78. Selective Insurance Company of South Carolina's Notice of Appeal, filed July 19, 2019.
79. American Empire Surplus Lines Insurance Company's Notice of Appeal, filed July 22, 2019.
80. Clarendon National Insurance Company's Notice of Appeal, filed July 2, 2019.

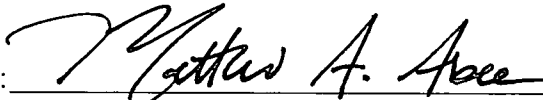
MISCELLANEOUS

81. Stipulation and Agreement of Record for Hearing on Motion to Intervene, June 6, 2019.⁶

⁶ Appellants intend to omit exhibits to the stipulation.

Counsel certifies that the foregoing designation contains no matter that is irrelevant to the appeal.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: _____

Robert C. Calamari
SC Bar No. 064985
E-Mail: bob.calamari@nelsonmullins.com
Matthew A. Abee
SC Bar No. 101100
E-Mail: matt.abee@nelsonmullins.com
Patrick F. O'Dea
SC Bar No. 004262
E-Mail: patrick.odea@nelsonmullins.com
1320 Main Street / 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, SC 29201
(803) 799-2000

*Attorneys for Harleysville Insurance Company n/k/a
Nationwide Insurance Company and Selective Insurance
Company*

Columbia, South Carolina
December 4, 2019

MCCULLOUGH KHAN, LLC

Clayton B. McCullough
SC Bar No. 13722
Email: clay@mklawsc.com
Ross A. Appel
SC Bar No. 79149
Email: ross@mklawsc.com
359 King Street, Suite 200
Charleston, SC 29401
(843) 937-0400

*Attorney for American Empire Surplus Lines Insurance
Company*

HUNTER & FOSTER, PA
Lawrence M. Hunter, Jr.
SC Bar No. 11808
Email: Lawrence@HunterFoster.com
Post Office Box 10309
Greenville, South Carolina 29603
(864) 242-2111

Attorney for BITCO General Insurance Corporation

WALL TEMPLETON & HALDRUP, P.A.
Neil S. Haldrup
SC Bar No. 13017
Email: Neil.Haldrup@WallTempleton.com
Thomas B. Boger
SC Bar No. 81228
Email: Tommy.Boger@WallTempleton.com
Post Office Box 1200
Charleston, South Carolina 29402
(843) 329-9500

*Attorneys for Clarendon National Insurance Company,
Successor by Merger to Clarendon America Insurance
Company*

TURNER PADGET GRAHAM & LANEY, P.A.
John S. Wilkerson, III
SC Bar No. 6105
Email: jwilkerson@turnerpadget.com
P.O. Box 22129
Charleston, South Carolina 29413
(843) 576-2801

R. Hawthorne Barrett
SC Bar No. 16973
Email: tbarrett@turnerpadget.com
PO Box 1473
Columbia, SC 29202
(803) 227-4219

*Attorneys for Crum & Forster Specialty Insurance Company
and First Mercury Insurance Company*

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Proof of Service

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Harleysville Insurance Company n/k/a Nationwide Insurance Company and Selective Insurance Company, certify that I have served all counsel in this action with a copy of the document(s) set forth below by mailing a copy by United States Mail, postage prepaid, to the following address(es):

Pleadings: **Designation of Matter by Appellants American Empire Surplus Lines Insurance Company, BITCO General Insurance Corporation, Clarendon National Insurance Company, Harleysville Insurance Company n/k/a Nationwide Insurance Company, Selective Insurance Company, Crum & Forster Specialty Insurance Company, and First Mercury Insurance Company**

Counsel Served:

Mark Steven Barrow, Esquire
Christy Elizabeth Mahon, Esquire
Sweeny, Wingate & Barrow, P.A.
PO Box 12129
Columbia, SC 29211

Neil S. Haldrup, Esquire
Thomas B. Boger, Esquire
Wall Templeton & Haldrup, P.A.
PO Box 1200
Charleston, SC 29402

Steven M. Klepper, Esquire
Kramon & Graham PA
One South Street, Suite 2600
Baltimore, MD 21202

R. Hawthorne Barrett, Esquire
Turner Padgett Graham & Laney, P.A.
PO Box 1473
Columbia, SC 29202

Clayton B. McCullough, Esquire
Ross A. Appel, Esquire
McCullough Khan, LLC
359 King Street, Suite 200
Charleston, SC 29401

Phillip Ward Segui, Jr., Esquire
Mary Abigail Young, Esquire
Segui Law Firm
864 Lowcountry Blvd., Suite A
Mt. Pleasant, SC 29464

Lawrence M. Hunter, Jr., Esquire
Hunter & Foster, PA
PO Box 10309
Greenville, SC 29603

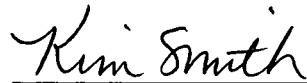
John T. Chakeris, Esquire
Chakeris Law firm
231 Calhoun Street
Charleston, SC 29401

John W. Wilkerson, III, Esquire
Turner Padgett Graham & Laney, P.A.
PO Box 22129
Charleston, SC 29413

Shaun W. Cranford, Esquire
Cranford Law Firm
PO Box 50684
Columbia, SC 29250

Thomas C. Hildebrand, Jr., Esquire
William Green DesChamps, IV, Esquire
Parker Poe Adams & Bernstein, LLP
200 Meeting Street, Suite 301
Charleston, SC 29401

Laura Figueroa Locklair, Esquire
Boyle, Leonard & Anderson, P.A.
28 Hasell Street
Charleston, SC 29401-3156



Kim Smith, Administrative Assistant

December 4, 2019