

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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FEB 10 2020

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

S.C. SUPREME COURT

Jennifer B. McCoy, Circuit Court Judge

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

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.; Certaineed 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.

MOTION OF HARTFORD FIRE INSURANCE COMPANY, HARTFORD CASUALTY INSURANCE COMPANY, AND HARTFORD UNDERWRITERS INSURANCE COMPANY TO PRESENT ARGUMENT AS AMICUS CURIAE

Amici curiae Hartford Fire Insurance Company, Hartford Casualty Insurance Company, and Hartford Underwriters Insurance Company (collectively, “Hartford”), with Respondents’ consent, move for leave to share argument time with Respondents:

1. By order entered September 26, 2019, the Court granted Hartford’s motion for leave to file a brief in support of Respondents, pursuant to Rule 213, SCACR.
2. The question before the Court in this appeal is of broad importance.¹ Although it is not typical for an *amicus curiae* to present oral argument, Hartford’s participation at argument will be particularly valuable because the Form 4 orders under review in this appeal do not specify the reasons for denying the appellants’ motions to intervene. As discussed in Hartford’s *amicus* brief, Hartford wishes to draw the Court’s attention to orders, in cases in which Hartford was involved, where the

¹ On September 27, 2019, the Court granted Hartford’s motion for certification under Rule 204(b), SCACR, in *Ex parte Hartford Fire Insurance Company et al.*, No. 2019-001053, which, like this appeal, raises questions regarding whether it is necessary and required for insurance carriers to intervene in underlying construction defects (“CD”) matters to submit special interrogatories or a special verdict form in order for the jury to make determinations for an allocation between covered and non-covered damages. Although Hartford filed its initial brief in that appeal, briefing remains open.


trial court made detailed findings indicating that intervention will not be workable in the typical CD case.

3. Counsel for Respondent Tri-County Roofing, Inc. today informed Hartford's counsel that they are willing to cede their argument time to Hartford.
4. Counsel for Respondents Palmetto Pointe at Peas Island Condominium Property Owners Association, Inc. and Jack Love today informed Hartford that they consent to Hartford participating in argument, with Hartford receiving six minutes of the total argument time allocated to Respondents.

WHEREFORE, Hartford requests that the Court permit Hartford to present oral argument as *amicus curiae* on February 11, 2020.

February 10, 2020

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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.

PROOF OF SERVICE

I certify that I have served the Motion of Hartford Fire Insurance Company, Hartford
Casualty Insurance Company, and Hartford Underwriters Insurance Company to Present
Argument as Amicus Curiae by depositing a copy of it in the United States Mail, postage prepaid,
on February 10, 2020 addressed to their attorneys of record, and via electronic transmission listed
as follows:

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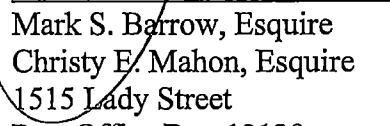
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February 10, 2019

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