

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

IN THE COURT OF COMMON PLEAS)
FOR THE SIXTH JUDICIAL CIRCUIT)
C/A NO.: 2015-CP-46-02155)

ROXANNE FALLS, Individually and as)
Personal Representative of the Estate of)
CHARLOTTE GAYE SMITH,)

**ORDER FOR RULE TO SHOW CAUSE)
HEARING)**

Plaintiffs,)

vs.)

CBS Corporation, et al.,)

Defendants.)

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

IN THE COURT OF COMMON PLEAS)
FOR THE SIXTH JUDICIAL CIRCUIT)
C/A NO.: 2015-CP-46-03456)

TIMOTHY W. HOWE, Individually and as)
Personal Representative of the Estate of)
Wayne Ervin Howe, deceased, and Jeanette)
Howe,)

**ORDER FOR RULE TO SHOW CAUSE)
HEARING)**

Plaintiffs,)

vs.)

Air & Liquid Systems Corporation, et al.,)

Defendants.)

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SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 CHARLES T. HOPPER and REBECCA)
 HOPPER,)
)
 Plaintiffs,)
)
 vs.)
)
 Air & Liquid Systems Corporation, et al.,)
)
 Defendants.)
)
)
)
)
)
)
)
)

IN THE COURT OF COMMON PLEAS
 FOR THE FIFTH JUDICIAL CIRCUIT
 C/A NO.: 2019-CP-40-00076

**ORDER FOR RULE TO SHOW CAUSE
 HEARING**

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 JAMES MICHAEL HILL,)
)
 Plaintiff,)
)
 vs.)
)
 Advance Auto Parts, Inc., et al.,)
)
 Defendants.)
)
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IN THE COURT OF COMMON PLEAS
 FOR THE FIFTH JUDICIAL CIRCUIT
 C/A NO.: 2018-CP-40-04680

**ORDER FOR RULE TO SHOW CAUSE
 HEARING**

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 FEB 07 2020
 SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 DENVER D. TAYLOR and JANICE)
 TAYLOR,)
)
 Plaintiffs,)
)
 vs.)
)
 Air & Liquid Systems Corporation, et al.,)
)
 Defendants.)

IN THE COURT OF COMMON PLEAS
 FOR THE FIFTH JUDICIAL CIRCUIT
 C/A NO.: 2018-CP-40-04940

**ORDER FOR RULE TO SHOW CAUSE
 HEARING**

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 SC Court of Appeals

This matter comes before the Court by way of Peter D. Protopapas', as the duly appointed Receiver of Covil Corporation ("Receiver"), Motion for a Rule to Show Cause against United States Fidelity and Guaranty Company ("USF&G"), Zurich American Insurance Company ("Zurich"), Sentry Insurance, a Mutual Company ("Sentry"), and Hartford Accident and Indemnity Company ("Hartford") for contempt of Court for violating this Court's (1) November 2, 2018 Order Appointing a Receiver for Covil Corporation¹; (2) February 28, 2019 Order requiring Covil's Insurers to attend mediation²; and (3) September 19, 2019 Order requiring Covil's Insurers should respond and produce required documents before September 30, 2019.³

It appears to this Court that Insurers have refused to provide policy limits and settlement

¹ See November 2, 2018, Order Appointing Receiver in *Taylor v. Air & Liquid, et al.* (C/A No. 2018-CP-40-04940).
² See February 28, 2019, Order Granting Plaintiff's Motion to Compel Attendance at Mediation in *Nolen v. Daniel, et al.* (C/A No. 2016-CP-40-04184); *Greene v. Armstrong, et al.* (C/A No. 2016-CP-40-00173); *Thompson v. Armstrong, et al.* (2016-CP-40-2498); and *Taylor v. Air & Liquid, et al.* (C/A No. 2018-CP-04940).
³ See September 19, 2019, Order for Rule to Show Cause in *Hopper v. Air & Liquid, et al.* (C/A/No. 2019-CP-40-00076).

authority information to their insured Receiver, even after this Court ordered the Insurers to provide the information by September 30, 2019. As such, this Court hereby ORDERS Covil's Insurers—USF&G, Sentry, Zurich, and Hartford—to show cause why they should not be held in contempt of Court for violation of this Court's Order Appointing a Receiver for Covil Corporation; Order Compelling their Attendance at Mediation; and Order for a Rule to Show Cause. Further, the Insurers must be prepared to discuss by policy and annual period or portion thereof the original and remaining limits of Covil's insurance policies under all applicable coverage parts, including separately as to the product liability/completed operations coverage part and the operations/premises coverage part and to provide an accounting of the amounts paid in settlement for each claim paid or settled, who authorized payment, under what coverage parts of the policies settlements or judgments were paid, documentation or other evidence supporting the analysis and characterization of claims as products/completed operations or operations/premises claims, method of allocation of settlements or judgments paid among Insurers, policies and policy years and if no payment was made because of a denial of coverage, the stated basis at the time of settlement for such denial.

A hearing on this matter will be scheduled for November 13, 2019 and USF&G, Sentry, Zurich, and Hartford are required to attend.

IT IS THEREFORE ORDERED that Zurich American Insurance Company; Sentry Insurance, A Mutual Company; United States Fidelity and Guaranty Company; and Hartford Accident and Indemnity Company, show cause why they should not be held in contempt of Court for the reasons set forth above, and a hearing shall be scheduled for November 13, 2019 at 9:00 am at the Richland County Judicial Center.

IT IS FURTHER ORDERED that service of this Rule to Show Cause shall be served upon the South Carolina Department of Insurance for Zurich American Insurance Company; Sentry Insurance, A Mutual Company; United States Fidelity and Guaranty Company; and Hartford Accident and Indemnity Company, at least ten days prior to the Rule to Show Cause Hearing, which shall constitute proper service pursuant to Rule 4(e) of the South Carolina Rules of Civil Procedure.

SIGNED this _____ day of _____, 2019.

JEAN H. TOAL, CHIEF JUSTICE (Ret.)



York Common Pleas

Case Caption: Charlotte Gaye Smith , plaintiff, et al VS CBS Corporation ,
defendant, et al
Case Number: 2015CP4602155
Type: Order/Other

IT IS SO ORDERED.

s/ Jean H. Toal #2758

Electronically signed on 2019-10-28 11:53:40 page 6 of 6

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