

**THE STATE OF SOUTH CAROLINA
In the Supreme Court**

Appeal from Charleston County
Court of Common Pleas
G. Thomas Cooper, Jr., Circuit Court Judge

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Apr 30 2020

S.C. SUPREME COURT

S. Ct. Appellate Case No. 2020-000445

PCS Nitrogen, Inc.,

Appellant,

v.

Continental Casualty Company, Admiral Insurance Company, United States Fire Insurance Company, ACE Property & Casualty Insurance Company, Certain Underwriters at Lloyd's London, the Aviva Companies, the Winterthur Companies, Certain London Market Insurance Companies, Providence Washington Insurance Company (as Successor in Interest by way of Merger to Seaton Insurance Company, f/k/a Unigard Security Insurance, f/k/a Unigard Mutual Insurance Company), Berkshire Hathaway Specialty Insurance Company (f/k/a Stonewall Insurance Company), Lexington Insurance Company, Starr Indemnity & Liability Company (f/k/a Republic Insurance Company), First State Insurance Company, Century Indemnity Company (f/k/a California Union Insurance Company and Insurance Company of North America),

Respondents.

**MOTION TO WITHDRAW PETITION FOR WRIT OF CERTIORARI
AND TO DISMISS APPEAL AS TO RESPONDENTS
ACE PROPERTY & CASUALTY INSURANCE COMPANY,
UNITED STATES FIRE INSURANCE COMPANY
(WITH RESPECT TO POLICY NUMBERS GLA 284022 AND 540-079751-7), AND
CENTURY INDEMNITY COMPANY (F/K/A CALIFORNIA UNION INSURANCE
COMPANY AND INSURANCE COMPANY OF NORTH AMERICA)**

Whereas the Appellant PSC Nitrogen has reached an agreement with Defendants/Respondents ACE Property & Casualty Insurance Company, United States Fire Insurance Company (with respect to policy numbers GLA 284022 and 540-079751-7), and Century Indemnity Company (f/k/a California Union Insurance Company and Insurance Company

of North America), to dismiss the claims asserted in the coverage action in C.A. No.: 2011-CP-10-00387 with prejudice, the Appellant now moves the Court to withdraw its Petition for a Writ of Certiorari and to dismiss its appeal as to these Respondents only with prejudice. As agreed, each party will bear its own costs and attorney's fees associated with the appellate court and trial court proceedings.

WE SO MOVE:

s/ Wm. Howell Morrison
ATTORNEYS FOR PETITIONER, PCS NITROGEN, INC.

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WE CONSENT:

s/ Robert F. Walsh
ATTORNEYS FOR RESPONDENTS
ACE PROPERTY & CASUALTY INSURANCE
COMPANY, UNITED STATES FIRE INSURANCE
COMPANY (WITH RESPECT TO POLICY NUMBERS
GLA 284022 AND 540-079751-7), AND CENTURY
INDEMNITY COMPANY (F/K/A CALIFORNIA UNION
INSURANCE COMPANY AND INSURANCE
COMPANY OF NORTH AMERICA)

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