

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

G. Thomas Cooper, Jr., Circuit Court Judge

C.A. No 2011-CP-10-00387

RECEIVED

Apr 30 2020

S.C. SUPREME COURT

PCS Nitrogen, Inc. Petitioner,

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.

PROOF OF SERVICE

I certify that I have served the 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) on all attorneys of record by email on April 30, 2020, emailed to all attorneys as shown below:

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Attorneys for Petitioner PCS Nitrogen, Inc.

Subject: FW: PCS Nitrogen Litigation - Dismissal of the Chubb Companies [WW-PHLDMS1.FID2869669]

From: Ginsberg, Michael H. <mhginsberg@JonesDay.com>
Sent: Monday, April 27, 2020 9:39 AM
To: Morrison, Howell <hmorrison@hsblawfirm.com>
Subject: FW: PCS Nitrogen Litigation - Dismissal of the Chubb Companies [WW-PHLDMS1.FID2869669]

See below.

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From: Walsh, Robert <Walshr@whiteandwilliams.com>
Sent: Monday, April 27, 2020 9:37 AM
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Cc: Briganti, Paul <Briganti@whiteandwilliams.com>; Cohn, William <william.cohn@mclolaw.com>; Santelle, Patricia <Santelle@whiteandwilliams.com>
Subject: RE: PCS Nitrogen Litigation - Dismissal of the Chubb Companies [WW-PHLDMS1.FID2869669]

Thanks. I don't know whether it's filed electronically. If it is, you have our authority to sign the "s/".



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the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

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Sent: Monday, April 27, 2020 9:29 AM

To: Walsh, Robert <Walshr@whiteandwilliams.com>

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Subject: RE: PCS Nitrogen Litigation - Dismissal of the Chubb Companies [WW-PHLDMS1.FID2869669]

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Thanks, Bob. We'll get that on file asap.

Michael H. Ginsberg (bio)

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Subject: PCS Nitrogen Litigation - Dismissal of the Chubb Companies [WW-PHLDMS1.FID2869669]

Mike:

I hope you are doing well.

I understand that PCS Nitrogen received the settlement payments (which was made in two checks) on April 13 and the only thing that remains to be done is for PCS to dismiss the Chubb companies from the pending action. Our local counsel advises that the correct way for PCS to dismiss the Chubb companies at this point is to file a Petition to dismiss its appeal against the Chubb companies. I have attached a proposed form of Petition for your review.

We would like to have the Petition filed as soon as possible. Please let me know if you have any questions or comments.

Bob



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From: Gulick, Kathy
Sent: Thursday, April 30, 2020 12:22 PM
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Cc: Morrison, Howell
Subject: PCS v. Continental Casualty Co., et al.
Attachments: Petition to Dismiss Appeal.pdf; Proof of Service.pdf

This email is being sent on behalf of Attorney Howell Morrison. The attached Petition and Proof of Service are being sent to the Clerk of Court for filing today. Thank you.

Kathy Gulick

HAYNSWORTH SINKLER BOYD

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