

# The Supreme Court of South Carolina

Diane Kirven, on behalf of herself and all others  
similarly situated, Plaintiff,

v.

Central States Health & Life Co. of Omaha, and  
Philadelphia American Life Insurance Company,  
Defendants.

Appellate Case No. 2013-000273

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## ORDER

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Pursuant to Rule 244 of the South Carolina Appellate Court Rules (SCACR), the Court will answer the following questions certified to this Court by order of Judge Margaret B. Seymour, District Court Judge for the District of South Carolina:

1. Can the definition of "actual charges" contained within S.C. Code Ann. § 38-71-242 be applied to insurance contracts executed prior to the statute's effective date?
2. Can the South Carolina Department of Insurance mandate the application of "actual charges" definition in S.C. Code Ann. § 38-71-242 to policies already in existence on the statute's effective date by prohibiting an insurance company from paying claims absent the application of that definition?

The parties shall proceed to serve and file briefs as provided by Rule 244(d), SCACR. Rule 244 does not provide for the filing of initial briefs; therefore, only final briefs should be filed in this matter.

  
C.J.  
FOR THE COURT

Columbia, South Carolina

March 8, 2013

cc:

Graham L. Newman

John Thomas Lay

M. David Scott

Richard A. Harpootlian

Tobias Gavin Ward, Jr.

Laura Watkins Jordan

Margaret B. Seymour

Angie Snipes

Robert L. Harris