

STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY)

Latarsha Docena-Guerrero,)
)
Plaintiff,)
)
vs.)
)
Rafael Docena-Guerrero,)
)
)
)
Defendant.)
_____)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NUMBER: 2018-CP-08-01079

RECEIVED
JUN 29 2020
SC Court of Appeals

ORDER DENYING MOTION TO QUASH THE ANSWER AND APPEARANCE BY UIM CARRIER AND COUNSEL AND GRANTING MOTION FOR RELIEF FROM DEFAULT

This matter came before the Court on March 10, 2020 upon the motion of the Plaintiff to Quash the Answer and Appearance of UIM Carrier and Counsel, as well as GEICO Insurance Company's corresponding motion as the underinsured motorist carrier ("UIM Carrier") for relief from default or to accept the filing of the Notice of Appearance more than thirty (30) days after service upon it through the Department of Insurance. No default had been entered and no judgment taken.

After hearing argument from counsel, the Court hereby finds that good cause exists to set aside any default (though none has been entered by the court) and to allow the late appearance by the UIM carrier pursuant to SCRCF Rule 55(c). From the evidence submitted and arguments advanced at the hearing, the failure to assign the UIM coverage to a separate lawyer was an inadvertent mistake on the carrier's part which resulted in no prejudice to the plaintiff. Furthermore, there are contested issues of damages. As stated above, there has not been an entry of default entered by any court.

The Court disagrees with the position of Plaintiff's counsel that the UIM carrier has a thirty

(30) day of Statute of Limitations to answer any lawsuit served upon it. It is therefore

ORDERED, ADJUDGED and DECREED that the motion for relief by GEICO Insurance Company is granted, Plaintiff's motion to Quash is denied, and the Notice of Appearance and Conditional Answer is accepted as if timely filed.

_____, 2020
Moncks Corner, SC

Honorable Roger C. Young
Presiding Judge
Ninth Judicial Circuit



Berkeley Common Pleas

Case Caption: Latarsha Docena-Guerrero VS Rafael Docena-Guerrero

Case Number: 2018CP0801079

Type: Order/Other

It is so ordered.

/s Roger M. Young, Sr. S.C. Circuit Judge 2134