

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

J. Cordell Maddox, Jr., Circuit Court Judge

Appellate Case No. 2019-001596

RECEIVED

Nov 12 2020

S.C. SUPREME COURT

Nationwide Mutual Fire Insurance Company,

Respondent,

v.

Sharmin Christine Walls, Randi Harper, Wendy Timms in
her capacity as Personal Representative of the Estate of
Christopher Adam Timms, Deborah Timms, Defendants,

Of whom, Sharmin Christine Walls, Randi Harper, and
Wendy Timms in her capacity as Personal Representative of
the Estate of Christopher Adam Timms, Deborah Timms

Defendants,

Of Whom,

Sharmin Christine Walls and Randi Harper are the

Petitioners.

MOTION OF UNITED POLICYHOLDERS
FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF

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In accordance with Rules 213 and 240 of the South Carolina Appellate Court Rules, United Policyholders respectfully moves for leave to file an *amicus curiae* brief in this matter to address the meaning and impact of S.C. Code Ann. §§ 38-77-142(B) and (C) in deciding the viability of two exclusions that commonly appear in insurance policies. In this case, the two exclusions purport to eliminate insurance coverage for an auto's auto while committing a felony or while fleeing a law-enforcement officer.

As a matter of public policy and plain-language statutory interpretation, the exclusions are unenforceable. United Policyholders, as part of its advocacy for insurance consumers in all states, has an interest in this matter because the proper interpretation of these and similar purported coverage exclusions can deny coverage to insureds and to persons injured by insureds just when insurance coverage is most needed,

United Policyholders is a non-profit 501(c)(3) organization whose mission is to be a trustworthy and useful information resource and an effective, well-informed advocate in all 50 states for consumers of all types of insurance. Founded in 1991, United Policyholders helps level the playing field between insurers and insureds.

Among other things, United Policyholders: (1) provides tools and resources for solving insurance problems after an accident, loss, illness, or other adverse event; (2) promotes disaster preparedness and insurance literacy through outreach and education in partnership with civic, faith-based, business, and other nonprofit associations; and (3) advances pro-consumer laws and public policy related to insurance matters.

United Policyholders speaks for a wide range of policyholders. It has filed over

400 amicus curiae briefs in state and federal courts, including in the U.S. Supreme Court. United Policyholders has a strong interest in ensuring that all insureds are able to obtain the benefits they paid to receive to protect them in time of critical need.

In particular, as a matter of public policy and statutory implementation, United Policyholders has a fundamental interest in ensuring that insureds receive the coverage they paid for, especially when the insureds are confronting unusual situations, such as misuse of their vehicles and unwise driving that may result in problems with law-enforcement personnel. It is precisely in unexpected and unusual conditions that insurance is most needed.

United Policyholders has extensive experience with similar insurance issues across the nation. It can therefore offer a wider perspective on these issues than the narrower view the parties necessarily have. United Policyholders' short amicus curiae brief would thus be useful: (1) in helping the Court to decide the specific issues affecting the parties in this case and (2) in considering the broader public policy aspects of this action.

Because United Policyholders has an identifiable interest in this matter that satisfies Rule 213 of the South Carolina Appellate Court Rules, it respectfully asks that the Court accept its conditionally-filed brief, which is attached to this Motion as Exhibit A. Upon acceptance of the same, and instruction of this Court co-counsel David L. Abney, listed below, will file an application for *pro hac vice* application if this Court deems it necessary. However, at this time Mr. Abney does not enter an appearance until and unless instructed to do so formally by this Court.

[SIGNATURE ON FOLLOWING PAGE]

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