

**RECEIVED**

**Mar 08 2021**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

The Honorable Jean H. Toal  
Acting Circuit Court Judge

Appellate Case No. 2020-001437  
Circuit Court Case Nos. 2019-CP-40-02285 and 2019-CP-40-06956

Peter D. Protopapas, in his capacity as Receiver of Covil Corporation,..... Plaintiff,

v.

Wall, Templeton & Haldrup, P.A.; Sentry Casualty Company; United States Fidelity and Guaranty Company; Zurich Insurance Company,..... Defendants,

*And*

Sandra S. Hutto, Individually and as Personal Representative of the Estate of Donald L. Hutto and Brian Hutto and Candace H. Youngblood,..... Plaintiffs,

v.

Covil Corporation; Sentry Insurance A Mutual Company; Southern Insulation, Inc.; Starr Davis Company, Inc.; Starr Davis Company of South Carolina, Inc.; United States Fidelity & Guaranty Company; Zurich American Insurance Company; 3M Company; AECOM; Armstrong International, Inc; Aurora Pump Company; BW/IP, Inc.; Carboline Company; CBS Corporation; CGR Products, Inc.; Daniel International Corporation; Fisher Controls International, L.L.C.; Fluor Constructors International, Inc.; Fluor Enterprises, Inc.; Foster Wheeler Energy Corporation; The Goodyear Tire And Rubber Company; Grinnell, LLC; Hajoca Corporation; IMG Industries, Inc.; John Crane, Inc.; Metropolitan Life Insurance Company; Spirax Sarco, Inc.; Trane U.S., Inc.; Uniroyal Holding, Inc.; Velan Valve Corporation; Viking Pump, Inc.; Weir Valves & Controls U.S.A., Inc.,..... Defendants,

*Of Which:*

United States Fidelity and Guaranty Company is the ..... Appellant,

*And*

Covil Corporation and Peter D. Protopapas, in his capacity as Receiver of Covil Corporation, are the..... Respondents.

---

**APPELLANT’S DESIGNATION OF MATTER**

---

Appellant designates the following to be included in the Record on Appeal:

**Orders**

1. Order Granting Motion to Clarify Status of Receivership

**Pleadings**

2. Complaint, *Wall, Templeton & Haldrup, P.A., et al.*, C/A No. 2019-CP-40-02285 (Ct. Com. Pl., Richland Cty.) (“*Wall Templeton*”)
3. Amended Complaint, *Wall Templeton*
4. Zurich American Insurance Company’s (“Zurich”) Answer to the Complaint, *Wall Templeton*
5. United States Fidelity & Guaranty Company’s (“USF&G”) Answer to the Amended Complaint, *Wall Templeton*
6. Complaint, *Sandra S. Hutto, et al. v. Covil Corp., et al.*, C/A No. 2019-CP-4006956 (Ct. Com. Pl., Richland Cty.) (“*Hutto*”)
7. Covil Corporation’s and the Receiver for Covil Corporation’s (the “Receiver”) Answer to the Complaint, *Hutto*
8. The Receiver’s Cross-Claims Against USF&G and Zurich, *Hutto*
9. USF&G’s Answer to the Complaint and the Receiver’s Cross Claims, *Hutto*

**Motions**

10. The Receiver’s Motion to Clarify Status of Receivership
  - a. Exhibit J to Motion to Clarify Status of Receivership (October 11, 1991 Order for Appointment of Receiver, *The First Savings Bank, F.S.B. v. Covil Corp.*, C.A. No. 91-CP-23-4445, Judgment Roll 91-5988 (Ct. Com. Pl. Greenville Cty.) (“*FSB v. Covil*”))
  - b. Exhibit L to Motion to Clarify Status of Receivership (November 11, 1992 Petition of Receiver, *FSB v. Covil*)
  - c. Exhibit M to Motion to Clarify Status of Receivership (South Carolina Dept. of State Certificate of Revocation of Authority)
  - d. Exhibit V to Motion to Clarify Status of Receivership (May 12, 1992 Order, *FSB v. Covil*)
  - e. Exhibit W to Motion to Clarify Status of Receivership (November 12, 1992 Order, *FSB v. Covil*)
11. USF&G’s Opposition to Motion to Clarify Status of Receivership
  - a. Exhibit B to USF&G’s Opposition to Motion to Clarify Status of Receivership (November 30, 1992 Final Order, *FSB v. Covil*)
12. Receiver’s Reply in Support of Motion to Clarify Status of Receivership

**Other Materials**

13. USF&G's Notice of Appeal, *Hutto*
14. USF&G's Notice of Appeal, *Wall Templeton*
15. Request for Memoranda on Appealability from the Court of Appeals
16. USF&G's Memorandum on Appealability
17. The Receiver's Memorandum on Appealability
18. Letter Retaining Appeal from the Court of Appeals
19. The Receiver's Notice of Withdrawal Without Prejudice of Cross-Claims Against USF&G and Zurich, *Hutto*
20. Stipulation of Dismissal of Covil Corporation Without Prejudice, *Hutto*
21. Plaintiffs' Motion to Appoint a Receiver over Covil Corporation Pursuant to S.C. Code § 15-65-10(4), *Taylor v. Air & Liquid Systems Corp., et al.*, C.A. No. 2018-CP-40-04940 (Ct. Com. Pl., Richland Cty.) ("*Taylor*")
22. Order Appointing a Receiver for Covil Corporation, *Taylor*
23. Order Granting Joint Motions to Establish Covil Qualified Settlement Fund and to Approve Settlements Between the Receiver for Covil and (1) Hartford, (2) TIG, and (3) Sentry and to Keep Continuing Jurisdiction Over This Qualified Settlement Fund, *Taylor*
24. Order Granting Receiver's Motion to Clarify Order Appointing a Receiver For Covil Corporation, *Tracy Jolly Pavlish, et al.. v. Covil Corp., et al.*, C/A No. 2019-CP-42-03968 (Ct. Com. Pl., Spartanburg Cty.)

The below-signed certify that this Designation contains no matter which is irrelevant to this appeal.

*Signature Page Attached*

Respectfully submitted,

WOMBLE BOND DICKINSON (US) LLP

By: /s/ M. Todd Carroll  
S.C. Bar No. 74000  
todd.carroll@wbd-us.com  
M. Elizabeth O'Neill  
S.C. Bar No. 104013  
elizabeth.oneill@wbd-us.com  
1221 Main Street, Suite 1600  
Columbia, SC 29201  
(803) 454-6504

SIMPSON THACHER & BARTLETT LLP

Andrew T. Frankel (*admitted pro hac vice*)  
afrankel@stblaw.com  
Mary Beth Forshaw (*admitted pro hac vice*)  
mforshaw@stblaw.com  
Alan Turner (*admitted pro hac vice*)  
aturner@stblaw.com  
Michael S. Carnevale (*admitted pro hac vice*)  
michael.carnevale@stblaw.com  
425 Lexington Avenue  
New York, NY 10017  
(212) 455-3073

Attorneys for Appellant United States Fidelity and  
Guaranty Company

March 8, 2021

PROOF OF SERVICE

I, the undersigned of the law offices of Womble Bond Dickinson (US) LLP, attorneys for Appellant, do hereby certify that I have served all parties to this appeal with a copy of the pleading(s) specified below by emailing them as the addresses below:

Pleading(s): Appellant's Designation of Matter

Parties Served:

Jescelyn Tillman Spitz (jspitz@rplegalgroup.com)  
Robert G. Rikard (rgr@rplegalgroup.com)  
G. Murrell Smith, Jr. (murrell@smithrobinsonlaw.com)  
Jonathan M. Robinson (jon@smithrobinsonlaw.com)  
Shanon N. Peake (shanon@smithrobinsonlaw.com)  
Ashley K. Brathwaite (ashley.brathwaite@elliswinters.com)

*Counsel for the Respondents*

By: /s/ M. Todd Carroll

March 8, 2021