



The South Carolina Court of Appeals

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April 05, 2021

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Re: Ann Finch v. United States Fidelity
Appellate Case No. 2020-001663

Dear Counsel:

Enclosed is a copy of an order of the panel denying your petition for rehearing. Your petition for rehearing en banc was distributed to the judges, but it has been rejected. *See* Rule 219, SCACR.

Very truly yours,

V. Claire Allen

CLERK

cc: The Honorable Jean Hoefler Toal

The South Carolina Court of Appeals

Ann Finch, Individually and as Executor of Estate of
Franklin Finch; and Peter D. Protopapas as Court
Appointed Receiver for Covil Corporation, Respondents,

v.

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

Of which United States Fidelity and Guaranty Company
is the Appellant.

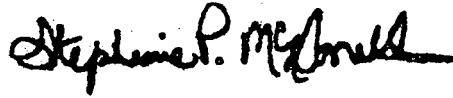
Appellate Case No. 2020-001663

ORDER

After careful consideration of the petition to rehear the dismissal of this appeal, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. From the filings provided by the parties, we cannot determine what factual issues (if any) necessarily overlap between the legal and equitable claims. Thus, it is not apparent that the circuit court's bifurcation order deprives appellant of a mode of trial.

Accordingly, the petition for rehearing is denied, and the appeal is dismissed. *See Stone v. Thompson*, 426 S.C. 291, 295-96, 826 S.E.2d 868, 870 (2019) (emphasizing our supreme court's practice of narrowly construing section 14-3-330 [of the South Carolina Code (2017)] and permitting appeal following a bifurcated hearing only where "a claim or defense has been finally determined."); *Flagstar Corp. v. Royal Surplus Lines*, 341 S.C. 68, 72-73, 533 S.E.2d 331, 333 (2000) ("[a]n order granting bifurcation of issues for trial simply does not strike to the heart of this Court's traditional analysis of claims of denial of a mode of trial. That

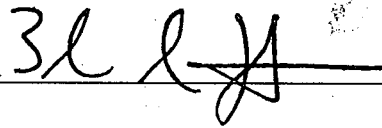
analysis proceeds by determining whether or not a party is erroneously denied a trial by jury in a law case, or is erroneously required to proceed before a jury in an equity case. In this case, no party is denied the right to a trial by jury. Moreover, after trial, [appellant] will be free to advance on appeal that the trial judge abused [her] discretion in ordering bifurcation and that it has thereby been effectively deprived of a fair and/or fully informed fact finder. An abuse of discretion, if any, by the trial court in its ruling can be corrected at that time.").



J.



J.



J.

Columbia, South Carolina

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The Honorable Jean Hofer Toal

FILED
Apr 05 2021