

**U.S. District Court
District of South Carolina (Columbia)
CIVIL DOCKET FOR CASE #: 3:20-cv-02275-MGL
*Internal Use Only***

Sullivan Management, LLC v. Fireman's Fund Insurance
Company et al
Assigned to: Honorable Mary Geiger Lewis
Case in other court: Richland County Court of Common Pleas,
2020-CP-40-02283
Cause: 28:1441 Notice of Removal-Insurance Contract

Date Filed: 06/16/2020
Jury Demand: Both
Nature of Suit: 110 Insurance
Jurisdiction: Diversity

Plaintiff

Sullivan Management, LLC

represented by **Justin O'Toole Lucey**
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V.

Defendant

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Defendant

**Allianz Global Risks US Insurance
Company**

represented by **Don Lawrence Kristinik , III**
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Date Filed	#	Page	Docket Text
06/16/2020	<u>1</u>	13	NOTICE OF REMOVAL from Richland County Court of Common Pleas, case number 2020–CP–40–02283 (Filing fee \$400 receipt number 0420–9160699) filed by Fireman's Fund Insurance Company, Allianz Global Risks US Insurance Company. (Attachments: # <u>1</u> Exhibit A – State Court Process and Pleadings)(cbru,) (Entered: 06/17/2020)
06/16/2020	<u>3</u>	42	Local Rule 26.01 Answers to Interrogatories by Fireman's Fund Insurance Company.(cbru,) (Entered: 06/17/2020)
06/16/2020	<u>4</u>	45	Local Rule 26.01 Answers to Interrogatories by Allianz Global Risks US Insurance Company.(cbru,) (Entered: 06/17/2020)
06/23/2020	<u>6</u>	48	Consent MOTION for Extension of Time to File Answer by Allianz Global Risks US Insurance Company, Fireman's Fund Insurance Company. Response to Motion due by 7/7/2020. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Exhibit A – Proposed Order)Proposed order is being emailed to chambers with copy to opposing counsel.(Devlin, Chadwick) Modified to correct motion relief and to edit text on 6/24/2020 (cbru,). (Entered: 06/23/2020)
06/24/2020	7	53	TEXT ORDER granting <u>6</u> Motion for Extension of Time to Answer. (Allianz Global Risks US Insurance Company answer due 7/27/2020; Fireman's Fund Insurance Company answer due 7/27/2020) Signed by Honorable Mary Geiger Lewis on 6/24/2020. (cbru,) (Entered: 06/24/2020)
06/26/2020	<u>8</u>	54	NOTICE and Acknowledgment of receipt of Notice of Removal by Clerk of Court for Richland County. (Attachments: # <u>1</u> Notice of Filing of Notice of Removal and Acknowledgment)(Devlin, Chadwick) Modified to edit text on 6/26/2020 (cbru,). (Entered: 06/26/2020)
06/30/2020	<u>9</u>	60	Local Rule 26.01 Answers to Interrogatories by Sullivan Management, LLC.(Lucey, Justin) (Entered: 06/30/2020)
07/27/2020	<u>10</u>	62	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , <i>OR, IN THE ALTERNATIVE, TO DISMISS PLAINTIFF'S COMPLAINT AS TO IMPROPER DEFENDANT</i> by Allianz Global Risks US Insurance Company, Fireman's

			Fund Insurance Company. Response to Motion due by 8/10/2020. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Memo in Support, # <u>2</u> Exhibit "A" Policy, # <u>3</u> Exhibit "B" Social Life Magazine, Inc. v. Sentinel Ins. Co. --- Transcript of May 14, 2020 Hearing on Motion for Preliminary Injunction, # <u>4</u> Exhibit "C" Gavrilides Mgmt. Co. v. Mich. Ins. Co. --- July 21, 2020 Order and Transcript of July 1, 2020 Hearing)No proposed order.(Devlin, Chadwick) Supplement filed as entry <u>22</u> on 8/10/2020 (cbru,). Supplement filed as entry <u>35</u> on 10/14/2020 (cbru,). Supplement filed as entry <u>36</u> on 11/11/2020 (cbru,). Supplement filed as entry <u>38</u> on 11/24/2020 (cbru,). Supplement filed as entry <u>39</u> on 1/8/2021 (cbru,). (Entered: 07/27/2020)
07/27/2020	<u>11</u>	311	MOTION to Appear Pro Hac Vice by Brett Ingerman (Filing fee \$250 receipt number 0420-9242263) by Allianz Global Risks US Insurance Company, Fireman's Fund Insurance Company. Response to Motion due by 8/10/2020. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Attachment A - Application/Affidavit and Certificate of Good Standing, # <u>2</u> Attachment B - Proposed Order)Proposed order is being emailed to chambers with copy to opposing counsel.(Devlin, Chadwick) Modified to edit text on 7/28/2020 (cbru,). Additional attachment filed as entry <u>18</u> on 7/30/2020 (cbru,). (Entered: 07/27/2020)
07/27/2020	<u>12</u>	321	MOTION to Appear Pro Hac Vice by Robert Myers Hoffman (Filing fee \$250 receipt number 0420-9242344) by Allianz Global Risks US Insurance Company, Fireman's Fund Insurance Company. Response to Motion due by 8/10/2020. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Attachment A - Application/Affidavit and Certificate of Good Standing, # <u>2</u> Attachment B - Proposed Order)Proposed order is being emailed to chambers with copy to opposing counsel.(Devlin, Chadwick) Modified to edit text on 7/28/2020 (cbru,). Additional attachment filed as entry <u>16</u> on 7/28/2020 (cbru,). (Entered: 07/27/2020)
07/28/2020	<u>14</u>	330	CONFERENCE AND SCHEDULING ORDER: Rule 26 Report due by 8/31/2020, Motions to Amend Pleadings due by 9/25/2020, Plaintiffs ID of Expert Witness due by 10/26/2020, Defendants ID of Expert Witnesses Due by 11/24/2020, Records Custodian Affidavit due by 11/24/2020, Discovery due by 1/25/2021, Motion in Limine due by 5/6/2021, Motions due by 2/8/2021, Rule 26(a)(3) Disclosures due by 4/23/2021, Jury Selection Deadline 5/27/2021, Mediation Due by 4/8/2021. Signed by Honorable Mary Geiger Lewis on 7/28/2020. (cbru,) (Entered: 07/28/2020)
07/28/2020	<u>15</u>	337	MEDIATION ORDER. Signed by Honorable Mary Geiger Lewis on 7/28/2020. (cbru,) (Entered: 07/28/2020)
07/28/2020	<u>16</u>	339	Additional Attachments to Main Document <u>12</u> MOTION to Appear Pro Hac Vice by Robert Myers Hoffman (Filing fee \$ 250 receipt number 0420-9242344). First attachment description: Certificate of Good Standing . (Devlin, Chadwick) (Entered: 07/28/2020)
07/29/2020	17	340	TEXT ORDER granting <u>12</u> Motion to Appear Pro Hac Vice. Signed by Honorable Mary Geiger Lewis on 7/29/2020.(cbru,) (Entered: 07/29/2020)

07/30/2020	<u>18</u>	342	Additional Attachments to Main Document <u>11</u> MOTION to Appear Pro Hac Vice by Brett Ingerman (Filing fee \$ 250 receipt number 0420-9242263). First attachment description: Amended Application/Affidavit for Pro Hac Vice Admission . (Devlin, Chadwick) (Entered: 07/30/2020)
07/30/2020	19	346	TEXT ORDER granting <u>11</u> Motion to Appear Pro Hac Vice. Signed by Honorable Mary Geiger Lewis on 7/30/2020.(cbru,) (Entered: 07/30/2020)
08/07/2020	<u>20</u>	348	Consent MOTION for Extension of Time to File Response/Reply as to <u>10</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , <i>OR, IN THE ALTERNATIVE, TO DISMISS PLAINTIFF'S COMPLAINT AS TO IMPROPER DEFENDANT</i> by Sullivan Management, LLC. Response to Motion due by 8/21/2020. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Exhibit A – Proposed Order)Proposed order is being emailed to chambers with copy to opposing counsel.(Lucey, Justin) (Main Document 20 replaced on 8/7/2020) (cbru,). (Attachment 1 replaced on 8/7/2020) (cbru,). (Entered: 08/07/2020)
08/07/2020	21	352	TEXT ORDER granting <u>20</u> Motion for Extension of Time to File Response/Reply re <u>10</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , <i>OR, IN THE ALTERNATIVE, TO DISMISS PLAINTIFF'S COMPLAINT AS TO IMPROPER DEFENDANT.</i> (Response to Motion due by 9/9/2020) Signed by Honorable Mary Geiger Lewis on 8/7/2020.(cbru,) (Entered: 08/07/2020)
08/10/2020	<u>22</u>	354	SUPPLEMENT by Allianz Global Risks US Insurance Company, Fireman's Fund Insurance Company to <u>10</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , <i>OR, IN THE ALTERNATIVE, TO DISMISS PLAINTIFF'S COMPLAINT AS TO IMPROPER DEFENDANT</i> . (Attachments: # <u>1</u> Supplemental Authority)(Devlin, Chadwick) Modified to edit text on 8/10/2020 (cbru,). (Entered: 08/10/2020)
08/31/2020	<u>23</u>	367	Joint Rule 26(f) Report by Allianz Global Risks US Insurance Company, Fireman's Fund Insurance Company. (Attachments: # <u>1</u> Attachment "A" – Proposed Amended Conference and Scheduling Order)(Devlin, Chadwick) Modified to edit text on 9/1/2020 (cbru,). (Entered: 08/31/2020)
08/31/2020	<u>24</u>	372	<i>Joint</i> Rule 26 Outline of Discovery Plan by Allianz Global Risks US Insurance Company, Fireman's Fund Insurance Company.(Devlin, Chadwick) (Entered: 08/31/2020)
08/31/2020	<u>25</u>	375	<i>Joint</i> Local Rule 26.03 Answers to Interrogatories by Allianz Global Risks US Insurance Company, Fireman's Fund Insurance Company.(Devlin, Chadwick) (Entered: 08/31/2020)
09/01/2020	<u>26</u>	384	CONSENT AMENDED SCHEDULING ORDER: Motions to Amend Pleadings due by 12/23/2020, Plaintiffs ID of Expert Witness due by 1/26/2021, Defendants ID of Expert Witnesses Due by 2/24/2021, Records Custodian Affidavit due by 2/24/2021, Discovery due by 4/26/2021, Motion in Limine due by 7/6/2021, Motions due by 5/11/2021, Rule 26(a)(3) Disclosures due by 6/23/2021, Jury Selection Deadline 7/27/2021, Mediation Due by 6/8/2021. Signed by Honorable Mary Geiger Lewis on 9/1/2020. (cbru,) (Entered: 09/01/2020)

09/09/2020	<u>27</u>	386	RESPONSE in Opposition re <u>10</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , <i>OR, IN THE ALTERNATIVE, TO DISMISS PLAINTIFF'S COMPLAINT AS TO IMPROPER DEFENDANT</i> Response filed by Sullivan Management, LLC.Reply to Response to Motion due by 9/16/2020 Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6. (Attachments: # <u>1</u> Exhibit A – 8.12.20 Missouri Order)(Lucey, Justin) (Main Document 27 replaced on 9/10/2020) (cbu,). Supplement filed as entry <u>30</u> on 9/28/2020 (cbu,). Supplement filed as entry <u>37</u> on 11/19/2020 (cbu,). (Entered: 09/09/2020)
09/14/2020	<u>28</u>	438	Consent MOTION for Extension of Time to File Response/Reply as to <u>10</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , <i>OR, IN THE ALTERNATIVE, TO DISMISS PLAINTIFF'S COMPLAINT AS TO IMPROPER DEFENDANT</i> by Allianz Global Risks US Insurance Company, Fireman's Fund Insurance Company. Response to Motion due by 9/28/2020. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Proposed Order)Proposed order is being emailed to chambers with copy to opposing counsel.(Devlin, Chadwick) Modified to link correct event to associated event and to edit text on 9/15/2020 (cbu,). (Entered: 09/14/2020)
09/15/2020	29	442	TEXT ORDER granting <u>28</u> Motion for Extension of Time to File Response/Reply re <u>10</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , <i>OR, IN THE ALTERNATIVE, TO DISMISS PLAINTIFF'S COMPLAINT AS TO IMPROPER DEFENDANT.</i> (Reply due by 9/30/2020) Signed by Honorable Mary Geiger Lewis on 9/15/2020.(cbu,) (Entered: 09/15/2020)
09/28/2020	<u>30</u>	444	SUPPLEMENT by Sullivan Management, LLC to <u>27</u> Response in Opposition to Motion, . (Attachments: # <u>1</u> Supplemental Authority)(Lucey, Justin) (Entered: 09/28/2020)
09/29/2020	<u>31</u>	454	NOTICE of Appearance by Mason McNulty Hubbard on behalf of Allianz Global Risks US Insurance Company, Fireman's Fund Insurance Company (Hubbard, Mason) (Entered: 09/29/2020)
09/30/2020	<u>33</u>	455	REPLY to Response to Motion re <u>10</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , <i>OR, IN THE ALTERNATIVE, TO DISMISS PLAINTIFF'S COMPLAINT AS TO IMPROPER DEFENDANT.</i> Response filed by Allianz Global Risks US Insurance Company, Fireman's Fund Insurance Company. (Hubbard, Mason) Modified to correct filing date and to edit text on 10/1/2020 (cbu,). (Entered: 10/01/2020)
10/01/2020	34	472	DELETION OF DOCKET ENTRY NUMBER 32. Reason: Incorrect attorney log in used. Corrected Filing Document Number <u>33</u> . Modified filing date to that of original filing: 9/30/2020. Response due date modified to that of original filing: N/A. (cbu,) (Entered: 10/01/2020)
10/14/2020	<u>35</u>	474	SUPPLEMENT by Allianz Global Risks US Insurance Company, Fireman's Fund Insurance Company to <u>10</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , <i>OR, IN THE ALTERNATIVE, TO DISMISS PLAINTIFF'S COMPLAINT AS TO IMPROPER DEFENDANT</i> . (Attachments: # <u>1</u> Exhibit A – It's Nice Inc. v. State Farm, # <u>2</u> Exhibit B – Mark's Engine v. Travelers Indemnity Co. of Conn., # <u>3</u> Exhibit C – Henry's Louisiana Grill v. Allied Ins.

			Co., # <u>4</u> Exhibit D – Vandelay Hospitality v. Cincinnati Ins. Co., # <u>5</u> Exhibit E – Harvest Moon Dist. v. Southern Owners Ins. Co.)(Hubbard, Mason) Modified to edit text on 10/14/2020 (cbur,). (Entered: 10/14/2020)
11/11/2020	<u>36</u>	542	SUPPLEMENT by Allianz Global Risks US Insurance Company, Fireman's Fund Insurance Company to <u>10</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , <i>OR, IN THE ALTERNATIVE, TO DISMISS PLAINTIFF'S COMPLAINT AS TO IMPROPER DEFENDANT (THIRD NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS)</i> . (Attachments: # <u>1</u> Exhibit A (Water Sports Kauai, Inc. v. Firemans Fund Ins. Co.), # <u>2</u> Exhibit B (Dime Fitness, LLC v. Markel Ins. Co.), # <u>3</u> Exhibit C (Dab Dental, PLLC v. Main Street America Protection Ins. Co.), # <u>4</u> Exhibit D (Kenneth Seifert et al. v. IMT Ins. Co.), # <u>5</u> Exhibit E (Travelers Casualty Ins. Co. of America v. Geragos and Geragos), # <u>6</u> Exhibit F (Hillcrest Optical Inc. v. Continental Casualty Co.), # <u>7</u> Exhibit G (West Coast Hotel Management, LLC et al. v Berkshire Hathaway Guard Ins. Co. et al.), # <u>8</u> Exhibit H (FAFB, LLC v. Blackboard Ins. Co., Order Dismissing the Complaint with Prejudice), # <u>9</u> Exhibit I (Uncork and Create, LLC v. The Cincinnati Ins. Co.), # <u>10</u> Exhibit J (Raymond H. Nahmad v. Hartford Casualty Ins. Co.), # <u>11</u> Exhibit K (Real Hospitality, LLC et al. v. Travelers Casualty Ins. Co. of America), # <u>12</u> Exhibit L (Mac Property Group, LLC & The Cake Boutique, LLC v. Selective Fire and Casualty Ins. Co. et al.), # <u>13</u> Exhibit M (TKC London Limited v. Allianz Ins. PLC))(Hubbard, Mason) (Entered: 11/11/2020)
11/19/2020	<u>37</u>	711	SUPPLEMENT by Sullivan Management, LLC to <u>27</u> Response in Opposition to Motion,, . (Attachments: # <u>1</u> Exhibit A: North State Deli – Order Granting Partial Summary Judgment, # <u>2</u> Exhibit B: North State Deli – Order Denying Def's MTD, # <u>3</u> Exhibit C: North State Deli – Second Amended Complaint)(Lucey, Justin) (Entered: 11/19/2020)
11/24/2020	<u>38</u>	789	SUPPLEMENT by Allianz Global Risks US Insurance Company, Fireman's Fund Insurance Company to <u>10</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , <i>OR, IN THE ALTERNATIVE, TO DISMISS PLAINTIFF'S COMPLAINT AS TO IMPROPER DEFENDANT (FOURTH NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS)</i> . (Attachments: # <u>1</u> Exhibit A (T&E Chicago LLC v. The Cincinnati Insurance Co.), # <u>2</u> Exhibit B (Graspa Consulting, Inc. v. United National Insurance Co), # <u>3</u> Exhibit C (South Florida ENT Assocs., Inc. v. Hartford Fire Ins. Co.), # <u>4</u> Exhibit D (Long Affair Carpet and Rug, Inc. v. Liberty Mutual Ins. Co.))(Hubbard, Mason) (Entered: 11/24/2020)
01/08/2021	<u>39</u>	868	SUPPLEMENT by Allianz Global Risks US Insurance Company, Fireman's Fund Insurance Company to <u>10</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , <i>OR, IN THE ALTERNATIVE, TO DISMISS PLAINTIFF'S COMPLAINT AS TO IMPROPER DEFENDANT</i> . (Hubbard, Mason) Modified to link correct event to associated event on 1/8/2021 (cbur,). (Entered: 01/08/2021)
01/12/2021	<u>40</u>	874	Consent MOTION to Amend/Correct <u>26</u> Scheduling Order by Sullivan Management, LLC. Response to Motion due by 1/26/2021. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Exhibit A – Proposed Scheduling

			Order)Proposed order is being emailed to chambers with copy to opposing counsel.(Lucey, Justin) Modified to edit text on 1/12/2021 (cbru,). (Entered: 01/12/2021)
01/12/2021	<u>41</u>	880	SECOND AMENDED SCHEDULING ORDER: Plaintiffs ID of Expert Witness due by 4/26/2021, Defendants ID of Expert Witnesses Due by 5/25/2021, Records Custodian Affidavit due by 5/25/2021, Discovery due by 8/24/2021, Motion in Limine due by 11/3/2021, Motions due by 9/8/2021, Rule 26(a)(3) Disclosures due by 10/21/2021, Jury Selection Deadline 11/24/2021, Mediation Due by 10/6/2021. Signed by Honorable Mary Geiger Lewis on 1/12/2021. (cbru,) (Entered: 01/12/2021)
01/26/2021	42	882	TEXT ORDER: Pending before the Court are Defendants' motion to dismiss <u>10</u> , Plaintiff's response <u>27</u> , Defendants' reply <u>33</u> , Plaintiff's two supplements <u>30 37</u> , and Defendants' five supplements <u>22 35 36 38 39</u> . For the sake of brevity and improved briefing, Defendants' motion is DISMISSED WITHOUT PREJUDICE to allow the parties to cite to the authority from their supplements that they wish for the Court to consider in the refiled motion/response/reply. IT IS SO ORDERED. Signed by Honorable Mary Geiger Lewis on 1/26/2021.(cbru,) Modified to edit text to correct scrivener's error on 1/27/2021 (cbru,). (Entered: 01/26/2021)
02/08/2021	<u>43</u>	884	Consent MOTION to Establish Briefing Schedule Related to Defendants' Renewed Motion to Dismiss and to Establish Page Limits for Same by Allianz Global Risks US Insurance Company, Fireman's Fund Insurance Company. Response to Motion due by 2/22/2021. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. No proposed order.(Hubbard, Mason) (Entered: 02/08/2021)
02/09/2021	44	887	TEXT ORDER granting <u>43</u> Consent MOTION to Establish Briefing Schedule Related to Defendants' Renewed Motion to Dismiss and to Establish Page Limits for Same. (Motion to Dismiss due by 2/16/2021, Response in Opposition to Motion due by 3/16/2021, Reply to Response to Motion due by 3/26/2021) Signed by Honorable Mary Geiger Lewis on 2/9/2021. (cbru,) (Entered: 02/09/2021)
02/16/2021	<u>45</u>	889	Amended MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by Allianz Global Risks US Insurance Company, Fireman's Fund Insurance Company. Response to Motion due by 3/2/2021. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Memo in Support of First Amended Motion to Dismiss, # <u>2</u> Exhibit A–Policy, # <u>3</u> Exhibit B–Saddle Ranch February 8 2021 Minute Order, # <u>4</u> Exhibit C–Sample of COVID–19 Decisions)No proposed order.(Kristinik, Don) (Entered: 02/16/2021)
03/09/2021	46	1118	*VACATED* TEXT ORDER: Plaintiff shall file a response to Defendants' <u>45</u> Amended MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM immediately, but not later than March 12, 2021. (Response to Motion due by 3/12/2021) Signed by Honorable Mary Geiger Lewis on 3/9/2021. (cbru,) Modified to edit text on 3/9/2021 (cbru,). (Entered: 03/09/2021)
03/09/2021	47	1120	TEXT ORDER Vacating 46 Order. Signed by Honorable Mary Geiger Lewis on 3/9/2021. (cbru,) (Entered: 03/09/2021)

03/16/2021	<u>48</u>	1122	RESPONSE in Opposition re <u>45</u> Amended MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM Response filed by Sullivan Management, LLC.Reply to Response to Motion due by 3/23/2021 Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6. (Attachments: # <u>1</u> Exhibit A: Mehl (Memo and Order))(Lucey, Justin) (Entered: 03/16/2021)
03/26/2021	<u>49</u>	1170	REPLY to Response to Motion re <u>45</u> Amended MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM Response filed by Allianz Global Risks US Insurance Company, Fireman's Fund Insurance Company. (Attachments: # <u>1</u> Exhibit A --- Cases Decided After Brief, # <u>2</u> Exhibit B --- American Food Systems Order, # <u>3</u> Exhibit C --- Kamakura Order, # <u>4</u> Exhibit D --- Bluegrass Oral Health Order, # <u>5</u> Exhibit E --- Black Magic Order, # <u>6</u> Exhibit F --- Bridal Expressions Order, # <u>7</u> Exhibit G --- Three Won Three Order, # <u>8</u> Exhibit H --- Restaurant Group order, # <u>9</u> Exhibit I --- Lemontree Order)(Kristinik, Don) (Entered: 03/26/2021)
04/02/2021	<u>50</u>	1328	MOTION for Leave to File <i>Sur-Reply</i> by Sullivan Management, LLC. Response to Motion due by 4/16/2021. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Proposed Plaintiff's Sur Reply in Further Oppostion to Defendants' Motion to Dismiss, # <u>2</u> Exhibit A - North State Deli Opinions and Complaint, # <u>3</u> Exhibit B - JGB Vegas Order and Complaint, # <u>4</u> Exhibit C - Dino Palmieri Salon Order and Complaint, # <u>5</u> Exhibit D - Elegant Massage Order Denying Reconsideration)No proposed order.(Lucey, Justin) Modified to edit text on 4/2/2021 (cbru,). (Entered: 04/02/2021)
04/16/2021	<u>51</u>	1585	RESPONSE in Opposition re <u>50</u> MOTION for Leave to File <i>Sur-Reply</i> Response filed by Allianz Global Risks US Insurance Company, Fireman's Fund Insurance Company.Reply to Response to Motion due by 4/23/2021 Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6. (Attachments: # <u>1</u> Exhibit A --- Response to Plaintiff's Sur-Reply in Opposition to First Amended Motion to Dismiss Sullivan's Complaint for Failure to State a Claim)(Kristinik, Don) (Attachment 1 replaced on 4/16/2021) (cbru,). (Entered: 04/16/2021)
04/20/2021	<u>52</u>	1601	Consent MOTION for Confidentiality Order by Allianz Global Risks US Insurance Company, Fireman's Fund Insurance Company. Response to Motion due by 5/4/2021. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Proposed Order Consent Confidentiality Order, # <u>2</u> Proposed Order redlined)Proposed order is being emailed to chambers with copy to opposing counsel.(Devlin, Chadwick) (Entered: 04/20/2021)
04/20/2021	<u>53</u>	1626	CONSENT CONFIDENTIALITY ORDER. Signed by Honorable Mary Geiger Lewis on 4/20/2021. (cbru,) (Entered: 04/20/2021)
04/23/2021	<u>54</u>	1637	Consent MOTION to Amend/Correct <u>41</u> Scheduling Order by Sullivan Management, LLC. Response to Motion due by 5/7/2021. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Exhibit A - Proposed Scheduling Order)Proposed order is being emailed to chambers with copy to opposing counsel.(Lucey, Justin) Modified to link correct event to associated event on 4/23/2021 (cbru,). (Entered: 04/23/2021)

04/23/2021	<u>55</u>	1643	THIRD AMENDED SCHEDULING ORDER: Plaintiffs ID of Expert Witness due by 7/26/2021, Defendants ID of Expert Witnesses Due by 8/23/2021, Records Custodian Affidavit due by 8/23/2021, Discovery due by 11/22/2021, Motion in Limine due by 2/1/2022, Motions due by 12/7/2021, Rule 26(a)(3) Disclosures due by 1/19/2022, Jury Selection Deadline 2/22/2022, Mediation Due by 1/4/2022. Signed by Honorable Mary Geiger Lewis on 4/23/2021. (cbru,) (Entered: 04/23/2021)
05/14/2021	<u>56</u>	1645	NOTICE of Request for Protection from Court Appearance by Justin O'Toole Lucey for June 1, 2021 through June 10, 2021; June 14, 2021 through June 18, 2021; and July 28, 2021 July 30, 2021 (Attachments: # <u>1</u> Proposed Order for Protection for Justin Lucey)(Lucey, Justin) Modified to edit text on 5/14/2021 (cbru,). (Entered: 05/14/2021)
05/24/2021	<u>57</u>	1649	Joint MOTION to Stay <i>Discovery</i> by Allianz Global Risks US Insurance Company, Fireman's Fund Insurance Company. Response to Motion due by 6/7/2021. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. No proposed order.(Devlin, Chadwick) (Entered: 05/24/2021)
05/24/2021	58	1651	TEXT ORDER granting <u>57</u> Motion to Stay discovery pending the Court's ruling on the Defendants' Motion to Dismiss. Signed by Honorable Mary Geiger Lewis on 5/24/2021.(cbru,) (Entered: 05/24/2021)
06/03/2021	59	1653	TEXT ORDER: Plaintiff's <u>50</u> Motion for Leave to File <i>Sur-Reply</i> is granted. Additionally, Fireman's Fund Insurance Company's request to file a reply to the sur-reply is also granted. Both documents shall be filed forthwith. IT IS SO ORDERED. Signed by Honorable Mary Geiger Lewis on 6/3/2021.(cbru,) (Entered: 06/03/2021)
06/03/2021	<u>60</u>	1655	SUR REPLY to REPLY to Response to Motion re <u>45</u> Amended MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM Response filed by Sullivan Management, LLC. (Attachments: # <u>1</u> Exhibit A – North State Deli Amd Complaint and Opinion, # <u>2</u> Exhibit B – JGB Order and Complaint, # <u>3</u> Exhibit C – Dino Palmieri Order and Complaint, # <u>4</u> Exhibit D – Elegant Massage – Order denying Reconsideration March 31, 2021)(Lucey, Justin) (Entered: 06/03/2021)
06/04/2021	<u>61</u>	1910	RESPONSE in Support re <u>45</u> Amended MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM " <i>Response to Plaintiff's Sur-Reply</i> " Response filed by Allianz Global Risks US Insurance Company, Fireman's Fund Insurance Company. (Kristinik, Don) (Entered: 06/04/2021)
06/16/2021	62	1920	TEXT ORDER: Pending before the Court is Defendants' amended motion to dismiss <u>45</u> . In the parties' briefings for and against the motion, they argue about the proper legal definition of certain terms in the subject insurance policy. But, the Court has failed to find, and the parties have neglected to provide, any controlling precedent in the decisions of the Supreme Court concerning the questions presented here. As such, the Court concludes it would be proper to certify these questions to the South Carolina Supreme Court. Accordingly, not later than June 23, 2021, counsel shall confer and then draft and submit a joint proposed order certifying the questions presented here to the South Carolina Supreme Court. The parties shall generally follow the format and style set out in the

			Court's "Order Certifying Question to the South Carolina Supreme Court" in <u>Yates v. Metropolitan Life Ins. Co.</u>, No. 4:19-cv-372 (D.S.C. July 29, 2019). In light of this certification, Defendants' amended motion to dismiss is DISMISSED WITHOUT PREJUDICE with leave to refile. IT IS SO ORDERED. (Proposed Order due by 6/23/2021) Signed by Honorable Mary Geiger Lewis on 6/16/2021. (cbru,) (Entered: 06/16/2021)
06/21/2021	<u>63</u>	1922	Joint MOTION for Extension of Time <i>to Submit Joint Proposed Order Certifying Questions Presented</i> by Allianz Global Risks US Insurance Company, Fireman's Fund Insurance Company. Response to Motion due by 7/6/2021. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. No proposed order.(Devlin, Chadwick) (Entered: 06/21/2021)
06/22/2021	64	1924	TEXT ORDER granting <u>63</u> Joint MOTION for Extension of Time. (Proposed Order due by 6/30/2021) Signed by Honorable Mary Geiger Lewis on 6/22/2021. (cbru,) (Entered: 06/22/2021)
06/22/2021	65	1926	TEXT ORDER: This action is hereby stayed until further order of the Court. The parties shall file a joint report apprising the Court as to the status of this action every three months during the pendency of the stay. IT IS SO ORDERED. (Status Report due by 9/22/2021) Signed by Honorable Mary Geiger Lewis on 6/22/2021. (cbru,) (Entered: 06/22/2021)
06/29/2021	<u>66</u>	1928	Joint MOTION for Extension of Time <i>to Submit Joint Proposed Order Certifying Questions Presented</i> by Sullivan Management, LLC. Response to Motion due by 7/13/2021. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. No proposed order.(Lucey, Justin) (Entered: 06/29/2021)
06/29/2021	67	1931	TEXT ORDER granting <u>66</u> Joint MOTION for Extension of Time. (Proposed Order due by 7/9/2021) Signed by Honorable Mary Geiger Lewis on 6/29/2021. (cbru,) (Entered: 06/29/2021)
07/09/2021	<u>68</u>	1933	Letter from Justin Lucey, Esquire. (Attachments: # <u>1</u> Proposed Order Joint Proposed Order Certifying Questions to the Supreme Court)(Lucey, Justin) (Entered: 07/09/2021)
07/12/2021	69	1943	TEXT ORDER: On June 16, 2021, the Court filed an order in this case directing counsel to "confer and then draft and submit a joint proposed order certifying the questions presented here to the South Carolina Supreme Court" <u>62</u> . Nevertheless, on July 9, 2021, Plaintiff's counsel filed a letter with the Court stating the parties' counsel had failed to come to a full agreement on which questions to be certified <u>68</u> . The Court's June 16, 2021, Order was a mandatory order, however, not an aspirational one. Therefore, not later than July 19, 2021, counsel shall confer again and then draft and submit a joint proposed order certifying the questions presented in this case to the South Carolina Supreme Court. The Court notes that it tends to agree with Plaintiff's counsel that the certified questions should cover all issues presented in this case for which there is no controlling South Carolina Supreme Court precedent. Further, more specific questions regarding the terms of the policy in which there is no controlling precedent are preferable to a general catch-all one. IT IS SO ORDERED. (Proposed Order due by 7/19/2021) Signed by Honorable Mary Geiger

			Lewis on 7/12/2021. (cbru,) Modified to edit text to correct scrivener's error on 7/13/2021 (cbru,). (Entered: 07/12/2021)
07/19/2021	<u>70</u>	1945	Letter from Justin Lucey, Esq.. (Attachments: # <u>1</u> Proposed Order Certifying Questions to the S.C. Supreme Court)(Lucey, Justin) (Entered: 07/19/2021)
09/22/2021	<u>71</u>	1955	STATUS REPORT (<i>Joint</i>) by Allianz Global Risks US Insurance Company, Fireman's Fund Insurance Company. (Kristinik, Don) (Entered: 09/22/2021)
10/12/2021	<u>73</u>	1957	MOTION to Withdraw as Attorney by Allianz Global Risks US Insurance Company, Fireman's Fund Insurance Company. Response to Motion due by 10/26/2021. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. No proposed order.(Devlin, Chadwick) (Entered: 10/12/2021)
10/13/2021	<u>74</u>	1959	CERTIFICATE OF CONSULTATION byAllianz Global Risks US Insurance Company, Fireman's Fund Insurance Company re <u>73</u> MOTION to Withdraw as Attorney . (Devlin, Chadwick) (Entered: 10/13/2021)
10/13/2021	75	1961	TEXT ORDER granting <u>73</u> MOTION to Withdraw as Attorney. Signed by Honorable Mary Geiger Lewis on 10/13/2021. (cbru,) (Entered: 10/13/2021)
10/19/2021	<u>76</u>	1963	ORDER CERTIFYING QUESTIONS TO THE SUPREME COURT. Signed by Honorable Mary Geiger Lewis on 10/19/2021. (cbru,) (Entered: 10/19/2021)
10/19/2021	77	1972	***DOCUMENT MAILED <u>76</u> Order (certified copy), <u>1</u> –1 Complaint, <u>10</u> –2 Policy placed in U.S. Mail from Columbia Clerks Office to Supreme Court of South Carolina, Office of the Clerk, PO Box 11330, Columbia, SC 29211 (cbru,) (Entered: 10/19/2021)