

**RECEIVED**

**Nov 16 2021**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM WILLIAMSBURG COUNTY  
Court of Common Pleas

The Honorable Kristi F. Curtis  
Circuit Court Judge

Case No.: 2014-CP-45-00132  
(Court of Appeals Case No.: 2021-000835)

South Carolina Farm Bureau Ins. Co. . . . . Plaintiff,

v.

Marion L. Driggers, Shiralee Driggers, Tammy D. Floyd, Arthur McKenzie, a/k/a Arther McKenzie, The Travelers Home and Marine Insurance Company, The United States of America acting by and through Its agency, The Internal Revenue Services and The South Carolina Tax Commission, . . . . Defendants,

Of whom Marion L. Driggers is Appellant and The Travelers Home and Marine Insurance Company is the Respondent.

**RESPONDENT THE TRAVELERS HOME AND MARINE INSURANCE  
COMPANY’S RETURN TO APPELLANT’S MOTION FOR ENLARGEMENT  
OF TIME**

Respondent The Travelers Home and Marine Insurance Company files this Return pursuant to Rule 240(e), SCACR to Appellant Marion L. Driggers’ (“Appellant”) Motion for Enlargement of Time to Respond to Respondent’s Motion to Dismiss.

**Argument**

Although Respondent properly served its Motion to Dismiss on the AIS email address listed for Appellant’s attorney, Appellant claims that the emails from Respondent

went to his attorney's spam folder and were unseen. Such computer issues are within appellant's counsel's control and do not excuse missing deadlines set forth by the rules and appellate procedures of this Court. Under Rule 410(g), SCACR, licensed attorneys are required to verify and update AIS emails. In fact, under South Carolina law, failures to receive pleadings due to spam filter issues do not excuse deadlines missed at the trial level for parties, including insurance companies, and such computer failures of licensed counsel are imputed to a client. *See Powell v. S.C. DOT*, 2020 S.C. C.P. LEXIS 4797, \*12 (S.C.C.P. February 28, 2020) ("As a matter of law, the insurance agency's negligence is imputed to Defendant and there is no good cause to relieve Defendant from default. Under South Carolina law, the same is true for the negligence of a party's attorney.") (citing *Roberts v. Peterson*, 292 S.C. 149 (Ct. App. 1987)).<sup>1</sup> Service via the correct AIS email was properly undertaken on Appellant's counsel on October 26, 2021, and that service date, not receipt of the email, determines the due date of his Return.

According to Appellant's Motion and letter correspondence received by the undersigned after the filing of the Motion, Appellant only learned of the filings in this matter after he received a call from counsel for Plaintiff South Carolina Farm Bureau Insurance Company after "Mr. Hudson receiv[ed] actual notice of such Motion to Dismiss, and submitting his return on behalf" of his client. *See Exhibit A.* Mr. Hudson filed his Return last Monday, November 8, 2021. According to Appellant, Mr. Hudson then called Appellant's counsel to inquiry about his response to Respondent's Motion to Dismiss four

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<sup>1</sup> Appellant references the AIS email service issue raised by Dwight Hudson, counsel for Plaintiff South Carolina Farm Bureau Insurance Company. Plaintiff South Carolina Farm Bureau Insurance Company is not an Appellant in this action. Moreover, any email service concerns related to counsel for that entity has absolutely no bearing on the service made on Appellant, which was proper and to the correct AIS email listed for Appellant's attorney. Based on the service date on Appellant, his deadline has run, and he can be deemed to have consented to Respondent's Motion to Dismiss.

(4) days later on Friday, November 12, 2021. It was only at that point that Appellant's counsel apparently learned of the spam filter issue and the pending motions in this matter. Appellant's counsel claims that undersigned attorney's failure to be in his email contacts meant that her emails went to spam. Yet, after service of her Motion to Dismiss on October 26, 2021 to Appellant's counsel's proper AIS email, the Clerk for this Court responded with filed copies of Respondent's documents on the same day, October 26, 2021, to the same AIS email for Appellant's counsel. *See* Exhibit B. Similarly, Plaintiff South Carolina Farm Bureau Insurance Company included Appellant's counsel on service at the same AIS email on its Return on November 8, 2021. Respondent's Reply was then served at Appellant's counsel's AIS email on November 10, 2021, to which the Clerk of this Court responded same day, including Appellant's counsel's AIS email on the correspondence with filed copies. *See* Exhibit C. As such, Appellant's counsel received email communications from this Court or another party's counsel to put him on notice of the pending motions and any issues he may be having with his email filters.

### **Conclusion**

The explanation provided by Appellant's counsel in its request to enlarge the time to respond to Respondent's Motion to Dismiss does not sufficiently warrant an extension. Respondent requests that the Motion be denied.



Mariel D. Norton

SC Bar No.: 100198

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Columbia, South Carolina 29202

Phone:(803) 799-9091; Fax:(803) 779-3423

File No.: 7746.1749

*Attorneys for Respondent The Travelers*

*Home and Marine Insurance Company*

Columbia, South Carolina

November 16, 2021

**From:** [Court Of Appeals Filings](#)  
**To:** [Rodriguez, Suzanne](#); [Court Of Appeals Filings](#)  
**Cc:** [Norton, Mariel](#); "[hudsonlaw@sc.rr.com](#)"; "[mgraham@hudsonlawoffice.com](#)"; "[corbinlawfirm@corbinlawsc.com](#)"; "[George.Conits@usdoj.gov](#)"; "[Tasha.Thompson@schousing.com](#)"; "[epritchard@pritchardlawgroup.com](#)"; "[Williams.Vannie@att.net](#)"; "[reese@davisboydlaw.com](#)"; "[cstewart@corbinlawsc.com](#)"  
**Subject:** RE: Appellate Case No.: 2021-000835; South Carolina Farm Bureau Mutual Ins. Co., Appellant v. Marion L. Driggers, et al.  
**Date:** Wednesday, November 10, 2021 3:45:26 PM  
**Attachments:** [image001.tif](#)  
[SC Farm v. Driggers, et al. Return.pdf](#)

---

Dear Counsel:

The Court has received your filing. A stamped copy is attached for your records.

Thank you.

---

**From:** Rodriguez, Suzanne [mailto:SRodriguez@brblegal.com]  
**Sent:** Wednesday, November 10, 2021 2:31 PM  
**To:** Court Of Appeals Filings <ctappfilings@sccourts.org>  
**Cc:** Norton, Mariel <mnorton@brblegal.com>; 'hudsonlaw@sc.rr.com' <hudsonlaw@sc.rr.com>; 'mgraham@hudsonlawoffice.com' <mgraham@hudsonlawoffice.com>; 'corbinlawfirm@corbinlawsc.com' <corbinlawfirm@corbinlawsc.com>; 'George.Conits@usdoj.gov' <George.Conits@usdoj.gov>; 'Tasha.Thompson@schousing.com' <Tasha.Thompson@schousing.com>; 'epritchard@pritchardlawgroup.com' <epritchard@pritchardlawgroup.com>; 'Williams.Vannie@att.net' <Williams.Vannie@att.net>; 'reese@davisboydlaw.com' <reese@davisboydlaw.com>; 'cstewart@corbinlawsc.com' <cstewart@corbinlawsc.com>  
**Subject:** Appellate Case No.: 2021-000835; South Carolina Farm Bureau Mutual Ins. Co., Appellant v. Marion L. Driggers, et al.

**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

RE: South Carolina Farm Bureau Mutual Ins. Co., Appellant v. Marion L. Driggers, et al.  
Of Which The Travelers Home and Marine Insurance Company is the Respondent  
Appellate Case No.: 2021-000835  
Our File No.: 7746.1749

Dear Ms. Kitchings:

Attached for filing in the above-referenced matter please find Respondent The Travelers Home and Marine Insurance Company's Reply to Plaintiff South Carolina Farm Bureau Insurance Company's Return to Its Motion to Dismiss Appellant's Appeal with Proof of Service thereof via electronic mail.

By copy of this letter, the same is being served upon all counsel of record via electronic mail.

EXHIBIT C

If you have any questions concerning this letter, please do not hesitate to contact me.

Sincerely yours,

Mariel D. Norton

MDN:sr

Enclosures

cc w/encl.: J. Dwight Hudson, Esquire [HUDSONLAW@SC.RR.COM](mailto:HUDSONLAW@SC.RR.COM)  
Daryl J. Corbin, Esquire [CORBINLAWFIRM@CORBINLAWSC.COM](mailto:CORBINLAWFIRM@CORBINLAWSC.COM)  
George John Conits, Esquire [George.Conits@usdoj.gov](mailto:George.Conits@usdoj.gov)  
Tasha B. Thompson, Esquire [Tasha.Thompson@schousing.com](mailto:Tasha.Thompson@schousing.com)  
Edward K. Pritchard, III, Esquire [epritchard@pritchardlawgroup.com](mailto:epritchard@pritchardlawgroup.com)  
Vannie Williams, Jr., Esquire [Williams.Vannie@att.net](mailto:Williams.Vannie@att.net)  
Reese R. Boyd, III, Esquire [reese@davisboydlaw.com](mailto:reese@davisboydlaw.com)

***Suzanne Rodriquez***

**Legal Assistant**

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**From:** [Court Of Appeals Filings](#)  
**To:** [Rodriguez, Suzanne](#); [Court Of Appeals Filings](#)  
**Cc:** [Norton, Mariel](#); "[hudsonlaw@sc.rr.com](#)"; "[corbinlawfirm@corbinlawsc.com](#)"; "[George.Conits@usdoj.gov](#)"; "[Tasha.Thompson@schousing.com](#)"; "[epritchard@pritchardlawgroup.com](#)"; "[Williams.Vannie@att.net](#)"; "[reese@davisboydlaw.com](#)"; "[cstewart@corbinlawsc.com](#)"; "[dcorbin@corbinlawsc.com](#)"  
**Subject:** RE: SC Farm Bureau Mutual Ins Co. v. Driggers et al, Case No.: 2021-000835  
**Date:** Tuesday, October 26, 2021 11:42:08 AM  
**Attachments:** [image001.gif](#)  
[SC Farm Bureau Mutual Insurance Co. v. Driggers et al, Case No.: 2021-000835 - Dismiss.pdf](#)

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Dear Counsel:

The Court has received your filing. A stamped copy is attached for your records.

Thank you.

---

**From:** Rodriguez, Suzanne [mailto:[SRodriguez@brblegal.com](mailto:SRodriguez@brblegal.com)]  
**Sent:** Tuesday, October 26, 2021 9:57 AM  
**To:** Court Of Appeals Filings <[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)>  
**Cc:** Norton, Mariel <[mnorton@brblegal.com](mailto:mnorton@brblegal.com)>; '[hudsonlaw@sc.rr.com](mailto:hudsonlaw@sc.rr.com)' <[hudsonlaw@sc.rr.com](mailto:hudsonlaw@sc.rr.com)>; '[corbinlawfirm@corbinlawsc.com](mailto:corbinlawfirm@corbinlawsc.com)' <[corbinlawfirm@corbinlawsc.com](mailto:corbinlawfirm@corbinlawsc.com)>; '[George.Conits@usdoj.gov](mailto:George.Conits@usdoj.gov)' <[George.Conits@usdoj.gov](mailto:George.Conits@usdoj.gov)>; '[Tasha.Thompson@schousing.com](mailto:Tasha.Thompson@schousing.com)' <[Tasha.Thompson@schousing.com](mailto:Tasha.Thompson@schousing.com)>; '[epritchard@pritchardlawgroup.com](mailto:epritchard@pritchardlawgroup.com)' <[epritchard@pritchardlawgroup.com](mailto:epritchard@pritchardlawgroup.com)>; '[Williams.Vannie@att.net](mailto:Williams.Vannie@att.net)' <[Williams.Vannie@att.net](mailto:Williams.Vannie@att.net)>; '[reese@davisboydlaw.com](mailto:reese@davisboydlaw.com)' <[reese@davisboydlaw.com](mailto:reese@davisboydlaw.com)>; '[cstewart@corbinlawsc.com](mailto:cstewart@corbinlawsc.com)' <[cstewart@corbinlawsc.com](mailto:cstewart@corbinlawsc.com)>; '[dcorbin@corbinlawsc.com](mailto:dcorbin@corbinlawsc.com)' <[dcorbin@corbinlawsc.com](mailto:dcorbin@corbinlawsc.com)>  
**Subject:** SC Farm Bureau Mutual Ins Co. v. Driggers et al, Case No.: 2021-000835

**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

Dear Ms. Kitchings:

Attached for filing in the above-referenced matter please find Respondent The Travelers Home and Marine Insurance Company's Motion to Dismiss Appellant's Appeal with Proof of Service thereof via electronic mail.

By copy of this letter, the same is being served upon all counsel of record via electronic mail.

cc w/encl.: J. Dwight Hudson, Esquire [hudsonlaw@sc.rr.com](mailto:hudsonlaw@sc.rr.com)  
Daryl J. Corbin, Esquire [corbinlawfirm@corbinlawsc.com](mailto:corbinlawfirm@corbinlawsc.com)  
George John Conits, Esquire [George.Conits@usdoj.gov](mailto:George.Conits@usdoj.gov)  
Tasha B. Thompson, Esquire [Tasha.Thompson@schousing.com](mailto:Tasha.Thompson@schousing.com)  
Edward K. Pritchard, III, Esquire [epritchard@pritchardlawgroup.com](mailto:epritchard@pritchardlawgroup.com)  
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Reese R. Boyd, III, Esquire [reese@davisboydlaw.com](mailto:reese@davisboydlaw.com)

EXHIBIT B

**Suzanne Rodriquez**

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cid:image001.gif@01CD7F92.8A5BFED0



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## DAVIS & BOYD, LLC

Attorneys & Counselors at Law

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REESE R. BOYD, III\*\*  
KELLY M. TUREK, JD, LL.M.\*\*\*

\*\*Certified SC Mediator and Arbitrator  
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Telephone: (843) 839-9800  
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[www.davisboydlaw.com](http://www.davisboydlaw.com)

November 15, 2021

*By U.S. Mail and email to [mnorton@brblegal.com](mailto:mnorton@brblegal.com)*

Mariel D. Norton, Esq.  
Baker, Ravenel, & Bender, LLP  
PO Box 8057  
Columbia, SC 29204

**Re: SC Farm Bureau Mutual Ins. Co. v. Marion L. Driggers et al.**  
**Case # 2021-000835**  
**Our File Number: 021.084**

Dear Ms. Norton,

I am very recently in receipt of your Motion to Dismiss in the above referenced case. Unfortunately, I did not have you in my Contacts list, and your email communications have been going into our junk mail filter at the office. I have corrected that situation, but I actually did not learn of your filing until Friday of this past week. I did become aware of your filing, and that I had missed the original filing, when I received a phone call from another attorney in the case on November 12, 2021.

I am planning to file a motion to enlarge time due based on the above. I would appreciate it if you would consent to such motion to give us the opportunity to file a Return. If you so consent, please let me know, and I will file such Return within the week.

Thank you for your attention to the matter and I look forward to hearing from you. If you have any questions or wish to discuss this matter at any time, please do not hesitate to contact me at your convenience.

EXHIBIT A

Mariel D. Norton, Esq.  
November 15, 2021  
Page 2 of 2

Thank you for your consideration in this matter and if additional information is needed, please do not hesitate to contact me.

With kind regards, I remain,

Yours sincerely,  


Reese R. Boyd, III

RRB/kmt

**RECEIVED**

**Nov 16 2021**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM WILLIAMSBURG COUNTY  
Court of Common Pleas

The Honorable Kristi F. Curtis  
Circuit Court Judge

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Case No.: 2014-CP-45-00132  
(Court of Appeals Case No.: 2021-000835)

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South Carolina Farm Bureau Ins. Co. . . . . Plaintiff,

v.

Marion L. Driggers, Shiralee Driggers, Tammy D. Floyd, Arthur McKenzie, a/k/a Arther McKenzie, The Travelers Home and Marine Insurance Company, The United States of America acting by and through Its agency, The Internal Revenue Services and The South Carolina Tax Commission, . . . . Defendants,

Of whom Marion L. Driggers is Appellant and The Travelers Home and Marine Insurance Company is the Respondent.

---

**PROOF OF SERVICE**

---

I, Mariel D. Norton, of Baker, Ravenel & Bender, LLC, Attorney for Respondent, hereby certify that, on this 16<sup>th</sup> day of November 2021, I have served the following with the foregoing Respondent The Travelers Home and Marine Insurance Company’s Return to Appellant’s Motion for Enlargement of Time via electronic mail and U.S. Mail of same to counsel of record at the addresses shown below:

J. Dwight Hudson, Esquire  
Hudson Law Offices  
PO Box 70218  
2513 North Oak St., Ste 210  
Myrtle Beach SC 29572  
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*Attorneys for Appellant*

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*Attorney for IRS*

Tasha B. Thompson, Esquire  
S.C. State Housing Finance and  
Development Authority  
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*Attorney for SC Tax Commission*

Vannie Williams, Jr., Esquire  
The Law Office of Vannie Williams,  
Jr., Esq., LLC  
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*Attorney for Audrey Graham, as PR  
of the Estate of Arthur McKenzie*

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Corbin Law Firm  
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*Attorney for Estate of Arthur McKenzie*

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*Attorney for Defendants Shiralee Driggers  
and Tammy Floyd*

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*Attorney for Marion L. Driggers*



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Phone: (803) 799-9091; Fax:(803) 779-3423  
File No.: 7746.1749  
*Attorneys for Respondent The Travelers  
Home and Marine Insurance Company*  
Columbia, South Carolina  
November 16, 2021



BAKER RAVENEL BENDER

ATTORNEYS AT LAW

Mariel Denise Norton  
[mnorton@brblegal.com](mailto:mnorton@brblegal.com)  
(803) 343-3870 – direct dial

November 16, 2021

E-mail and U.S. Mail:

[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

**RECEIVED**

**Nov 16 2021**

**SC Court of Appeals**

RE: South Carolina Farm Bureau Mutual Ins. Co., Appellant v. Marion L. Driggers, et al.  
Of Which The Travelers Home and Marine Insurance Company is the Respondent  
Appellate Case No.: 2021-000835  
Our File No.: 7746.1749

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By copy of this letter, the same is being served upon all counsel of record via U.S. Mail and electronic mail.

If you have any questions concerning this letter, please do not hesitate to contact me.

Sincerely yours,

Mariel D. Norton

MDN:sr

Enclosures

cc w/encl. via Email and U.S. Mail:

J. Dwight Hudson, Esquire [HUDSONLAW@HUDSONLAWOFFICE.COM](mailto:HUDSONLAW@HUDSONLAWOFFICE.COM)

Daryl J. Corbin, Esquire [CORBINLAWFIRM@CORBINLAWSC.COM](mailto:CORBINLAWFIRM@CORBINLAWSC.COM)

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Edward K. Pritchard, III, Esquire [EPITCHARD@PRITCHARDLAWGROUP.COM](mailto:EPITCHARD@PRITCHARDLAWGROUP.COM)

Vannie Williams, Jr., Esquire [WILLIAMS.VANNIE@ATT.NET](mailto:WILLIAMS.VANNIE@ATT.NET)

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