

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

Ex parte Hartford Fire Insurance Company, Hartford
Casualty Insurance Company, American Empire Surplus
Lines Insurance Company, BITCO General Insurance
Corporation, Clarendon National Insurance Company,
Harleysville Insurance Company n/k/a Nationwide
Insurance Company, Selective Insurance Company,
Crum & Forster Specialty Insurance Company, and First
Mercury Insurance Company, Appellants,

In re The Havens Condominium Association, Plaintiff,

v.

Centex Homes, et al., Defendants.

The River Crossing Condominium Association, and
Vincent J. Tamburro, on Behalf of Himself and Others
Similarly Situated, Plaintiffs,

v.

Centex Homes, et al., Defendants.

The Tanglewood Condominium Association, Plaintiff,

v.

Centex Homes, a Nevada General Partnership, et al.,
Defendants.

The Woodlands Condominium Association, Plaintiff,

v.

Centex Homes, a Nevada General Partnership, et al.,
Defendants,

of which The Havens Condominium Association, The
River Crossing Condominium Association, Vincent J.
Tamburro, The Tanglewood Condominium Association,
The Woodlands Condominium Association, and Centex
Homes are the Respondents.

Appellate Case No. 2019-001053

Appeal from Horry County
Clifton Newman, Circuit Court Judge

Memorandum Opinion No. 2020-MO-011
Submitted October 15, 2020 – Filed October 21, 2020

AFFIRMED

Robert C. Calamari, Matthew A. Abee, and Patrick F.
O'Dea, all of Nelson Mullins Riley & Scarborough LLP,
of Columbia, for Appellants Harleysville Insurance
Company, NKA Nationwide, and Selective Insurance
Company; Clayton B. McCullough and Ross A. Appel,
both of McCullough Khan, LLC, of Charleston, for
Appellant American Empire Surplus Lines Insurance
Company; Lawrence M. Hunter Jr., of Hunter & Foster,
PA, of Greenville, for Appellant BITCO General
Insurance Corporation; Neil S. Haldrup, of Wall
Templeton & Haldrup, PA, of Charleston, and Thomas
B. Boger, of the Pflug Law Firm, LLC, of Mount
Pleasant, both for Appellant Clarendon National

Insurance Company; John S. Wilkerson III and R. Hawthorne Barrett, both of Turner Padgett Graham & Laney, PA, of Charleston, for Appellants Crum & Forster Specialty Insurance Company and First Mercury Insurance Company; and Mark S. Barrow and Christy E. Mahon, both of Sweeny Wingate & Barrow, PA, of Columbia, and Steven M. Klepper, of Baltimore, Maryland, all for Appellants Hartford Casualty Insurance Company and Hartford Fire Insurance Company.

Phillip W. Segui Jr. and Abigail Y. Bechtol, both of Segui Law Firm, of Mount Pleasant, John T. Chakeris, of The Chakeris Law Firm, of Charleston, and Shaun W. Cranford, of Cranford Law, of Columbia, all for Respondents The Havens Condominium Association, The River Crossing Condominium Association, Vincent J. Tamburro, The Tanglewood Condominium Association, and The Woodlands Condominium Association; and Amanda K. Anderson and Laura F. Locklair, both of Boyle, Leonard & Anderson, PA, of Charleston, all for Respondent Centex Homes.

PER CURIAM: In this construction defect action, the trial court denied motions to intervene filed by a number of insurance companies, and the insurance companies appealed. We certified the appeal from the court of appeals pursuant to Rule 204(b), SCACR, and now affirm pursuant to Rule 220(b)(1), SCACR, and the following authority: *Ex parte Builder's Mutual Ins. Co.*, --- S.C. ---, 847 S.E.2d 87 (2020) (holding (1) insurance companies are not entitled to intervene as a matter of right in a construction defect action; (2) the trial court did not abuse its discretion in denying the insurance companies permissive intervention; and (3) insurance companies have a right to contest coverage under a commercial general liability (CGL) policy in a subsequent declaratory judgment action).

AFFIRMED.

BEATTY, C.J., KITTREDGE, HEARN, FEW and JAMES, JJ., concur.