


**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

ATTORNEYS LIABILITY	)	
PROTECTION SOCIETY, INC.,	)	
	)	Civil No. 2:10-02267
Plaintiff,	)	
	)	
vs.	)	
	)	
ROBERT J. LOWE, JR., LOWE &	)	<b>ORDER</b>
ASSOCIATES, P.C., AND TUTTLE	)	
DOZER WORKS, INC.,	)	
	)	
Defendants.	)	
_____	)	

This matter is before the court on plaintiff's and defendants' cross motions for summary judgment. On the issue of coverage, the burden of proof is on the insured to show that a claim falls within the coverage of an insurance contract, Gamble v. Travelers Ins. Co., 160 S.E.2d 523, 525 (S.C. 1968), while the insurer bears the burden of establishing exclusions to coverage, Boggs v. Aetna Cas. & Sur. Co., 252 S.E.2d 565, 568 (1979). Having thoroughly considered the parties' written and oral submissions, the court holds that genuine issues of material fact exist, including but not limited to, the significance of the jury's verdict amount. Therefore, the court **DENIES** all motions for summary judgment.

**AND IT IS SO ORDERED.**




---

**DAVID C. NORTON**  
**UNITED STATES DISTRICT JUDGE**

**January 5, 2012**  
**Charleston, South Carolina**