

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

SOUTHERN PILOT INSURANCE)
COMPANY)

C.A. No.: 4:13-cv-00106-RBH

Plaintiff,)

-versus-)

LISA J. FLOYD, as Personal Representative of)
the Estate of Johnny Floyd, deceased, ERIC)
BEN PIERRE, DARLINGTON COUNTY)
SHERIFF’S DEPARTMENT; COUNTY OF)
DARLINGTON; DIANNA COLLINS, as)
Personal Representative of the ESTATE OF)
Harold Collins; CHICK-A-RAY POULTRY)
AND EGG CO., INC.)

CONSENT ORDER

Defendants.)

This matter comes before this Court by the consent of the partes. The Defendant Chick-A-Ray Poultry & Egg Co., Inc. (“Chick-A-Ray”) was served with the Complaint in this matter on or about January 28, 2013. Since that time, Chick-a-Ray has been in contact with the Plaintiff and its counsel extensively in an effort to reach an agreement on the issues in the Complaint as they relate to Chick-A-Ray. As a result of these continuing discussions, Chick-A-Ray did not timely file an Answer in this case. Pursuant to Rule 55(c) of the Federal Rules of Civil Procedure, the default of Defendant Chick-A-Ray is hereby set aside for good cause shown and with the consent of the Plaintiff.

Further, the Plaintiff and Chick-A-Ray have reached an agreement regarding the impact of this declaratory judgment action on the rights of Chick-A-Ray. The Defendant Chick-A-Ray consents to be bound by the outcome of this declaratory judgment action as it relates to the issues

presently raised in the Complaint filed on January 9, 2013. The consent to be bound only extends to issues regarding uninsured motorist and underinsured motorist coverage contained in Chick-A-Ray's policy with the Plaintiff, as alleged in the Complaint of January 9, 2013, and to no other issues which may be subsequently raised.

It is hereby ordered that any default entered against the Defendant Chick-A-Ray Poultry & Egg Co., Inc. shall be set aside pursuant to Rule 55(c), *FRCP*. It is further ordered that Chick-A-Ray Poultry & Egg Co., Inc. shall be bound by the outcome of this declaratory judgment action, subject to the limitations described in this Order, and as such that Chick-A-Ray Poultry & Egg Co., Inc. Shall hereby be dismissed and not required to further appear in this action. It is further ordered that Chick-A-Ray Poultry & Egg Co., Inc. shall bear its own attorneys' fees and costs and shall not be responsible for the attorneys' fees and costs of any other party hereto.

IT IS SO ORDERED.

Florence, South Carolina.

June 26, 2013

s/R. Bryan Harwell

The Honorable R. Bryan Harwell
United States District Court Judge

WE CONSENT:

WALL TEMPLETON & HALDRUP, P.A.

s/Neil S. Haldrup
Neil S. Haldrup (Fed ID #5453)
Post Office Box 1200
145 King Street, Ste. 300
Charleston, South Carolina 29402

ATTORNEYS FOR PLAINTIFFS

WE CONSENT:

PARHAM SMITH & ARCHENHOLD, LLC

s/S. Blakely Smith
S. Blakely Smith
Post Office Box 2800
201 W. McBee Avenue, Ste. 210
Greenville, South Carolina 29602

**ATTORNEYS FOR DEFENDANT
LISA FLOYD, AS PERSONAL REPRESENTATIVE
OF THE ESTATE OF JOHNNY FLOYD, DECEASED**

WE CONSENT:

TURNER PADGET GRAHAM & LANEY, P.A.

s/C. Pierce Campbell

C. Pierce Campbell

Post Office Box 5478

319 S. Irby Street

Florence, South Carolina 29501

**ATTORNEYS FOR DEFENDANT
CHICK-A-RAY POULTRY & EGG CO., INC.**