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Sep 28 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

Jean H. Toal, Circuit Court Judge

Appellate Case No. 2019-001600

Rita Joyce Glenn, individually and as personal
representative of the Estate of Thomas Harold Glenn,
deceased,

Respondent,

v.

3M Company, f/k/a Minnesota Mining and Manufacturing Co.; Air & Liquid Systems Corporation, Individually and as Successor-In-Interest to Buffalo Pumps; Airgas USA, LLC; Aurora Pump; BW/IP Inc., a Subsidiary of Flowserve Corporation; CBS Corporation, a Delaware Corporation f/k/a Viacom, Inc., Successor By Merger to CBS Corporation, a Pennsylvania Corporation, f/k/a Westinghouse Electric Corporation; CGR Products, Inc., f/k/a Carolina Gasket and Rubber Company, Inc.; Carboline Company; Crane Co. d/b/a Crane Chempharma & Energy d/b/a Aloyco, n/k/a Crane Energy Flow Solutions; Crosby Valve, Inc.; Dana Companies, LLC; Daniel International Corporation; Fisher Controls International, LLC.; Flowserve Corporation, Individually and as Successor in Interest to Anchor/Darling Valve Company; Flowserve Corporation, Individually and as Successor to Byron Jackson Pump Company; Fluor Daniel, Inc., f/k/a Daniel Construction Company, Inc.; Fluor Daniel Services Corporation; Foster Wheeler Energy Corporation; General Electric Company; Goodyear Tire & Rubber; Goulds Pumps, Inc.; Grinnell LLC, f/k/a Grinnell Corp, f/k/a ITT Grinnell Corp., Individually and as Successor to Kennedy Valve Manufacturing Co., Inc.; Hajoca Corporation; Imo Industries, Inc., Individually and as Successor-in-Interest to De Laval Turbine, Inc.; Ingersoll Rand Company; ITT Corporation; John Crane, LLC; Linde LLC, a Delaware Limited Liability Company, formerly known as the BOC Group, Inc. and/or Airco, Inc.; MP Supply, Inc. f/k/a Mill Power Supply; Metropolitan Life Insurance Company, a

wholly-owned subsidiary of MetLife Inc.; Sepco Corporation; The J.R. Clarkson Company Solely as a Successor by Merger to Anderson Greenwood & Co., f/k/a Kunkle Valve Company, Inc.; The Sherwin- Williams Company; Trane U.S. Inc., f/k/a American Standard, Inc.; United Conveyor Corporation; United Seal & Rubber Company, Inc.; Uniroyal, Inc., f/k/a United States Rubber Company, Inc.; Velan Valve Corporation; Viking Pump, Inc.; and Weir Valves & Controls USA, Inc., Individually and as Successor in Interest to Atwood & Morrill Co., Inc.,

Defendants,

Of which, Fisher Controls International LLC, is the

Appellant.

MOTION FOR PERMISSION TO ORALLY ARGUE AGAINST PRECEDENT

Pursuant to Rule 217 of the South Carolina Appellate Court Rules, Appellant Fisher Controls International LLC (“Fisher”) hereby moves this Court to allow it to orally argue against precedent in this matter.

The basis for this motion is that Respondent recently submitted supplemental citations to two opinions issued by this Court after the briefing closed in this matter: *Jolly v. General Electric Co.*, 435 S.C. 607, 869 S.E.2d 819 (Ct. App. 2021), and *Edwards v. Scapa Waycross, Inc.*, Op. No. 5931 (S.C. Ct. App. filed August 3, 2022) (Howard Adv. Sh. No. 27 at 89). The remittitur in these cases has not yet been handed down, because the certiorari petition in *Jolly* remains pending and the petition for rehearing in *Edwards* is pending.

Counsel for the Respondent in *Edwards*, in a Return to the Defendant’s Petition for Rehearing there, has noted the failure of counsel in *Edwards* to move to orally argue against precedent. Therefore, while Fisher does not believe it necessary, out of an abundance of caution, Fisher requests leave to orally argue against both cases. Fisher is seeking to avoid having to address a procedural objection to its argument in the middle of oral argument by filing this motion.

Accordingly, Fisher requests that its motion be granted.

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Attorneys for Fisher Controls International LLC

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Appellate Case No. 2019-001600

Case No. 2015-CP-04-01607

Rita Joyce Glenn, Individually and as Personal
Representative of the Estate of Thomas Harold Glenn,..... Respondent,

v.

3M Company, f/k/a Minnesota Mining and
Manufacturing Co., et al.,..... Defendants,

Of which Fisher Controls International LLC, is the Appellant.

PROOF OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, hereby certify that I have served all counsel in this action with a copy of the pleading(s) specified below by emailing a copy to each attorney listed below using their primary email address listed in the Attorney Information System.

Pleadings: Motion for Permission to Orally Argue Against Precedent

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Jessica Trautman
Administrative Assistant

September 28, 2022

Jessica Trautman

From: Jessica Trautman
Sent: Wednesday, September 28, 2022 10:41 AM
To: tmcvey@kassellaw.com; jholder@dobslegal.com; jdean@dobslegal.com; lshirley@dobslegal.com
Cc: Mitch Brown; Matt Abee; Nick Charles
Subject: Rita Glenn v. 3M Company Appellate Case No. 2019-001600
Attachments: 2022.09.28 Glenn - Motion to Argue Against Precedent.pdf

Counsel,

Attached for service upon you in the above matter please find Fisher Controls International LLC's Motion for Permission to Orally Argue Against Precedent.

Service is made via email pursuant to the Supreme Court Order 2021-08-25-02.

Thank you,



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