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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

Jean H. Toal, Acting Circuit Court Judge

Appellate Case No. 2022-000272

Beverly Dale Jolly and Brenda Rice Jolly, Respondents,

v.

General Electric Company, et al., Defendants,

Of whom Fisher Controls International LLC and Crosby
Valve, LLC are the..... Petitioners.

**AMERICAN TORT REFORM ASSOCIATION’S
MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF**

Pursuant to Rules 213 and 240 of the South Carolina Appellate Court Rules, the American Tort Reform Association (ATRA) respectfully requests permission to file the accompanying *amicus curiae* brief in support of Petitioners.

Founded in 1986, ATRA is a broad-based coalition of businesses, corporations, municipalities, associations, and professional firms that have pooled their resources to promote reform of the civil justice system with the goal of ensuring fairness, balance, and predictability in civil litigation. For over three decades, ATRA has filed *amicus curiae* briefs in cases that address important liability issues. ATRA members include defendants in South Carolina asbestos cases.

The proposed *amicus* brief will assist the Court by providing a broad perspective regarding the use of additur and setoffs of settlement proceeds in asbestos cases. The brief discusses how the trial court’s additur ruling conflicts with this Court’s precedents and reflects

an outlier approach. The brief also explains how the trial court’s decision to permit setoffs of settlement proceeds based on Plaintiffs’ “internal” allocation creates a significant potential for gamesmanship and abuse.

The additur and setoff rulings in this case have favored asbestos plaintiffs. Out-of-state plaintiffs’ lawyers have been filing more asbestos cases in South Carolina, even as such litigation declines nationwide. Hence, ATRA seeks to file the accompanying brief.

CONCLUSION

Because *amicus* has an identifiable interest in this matter satisfying South Carolina Appellate Court Rule 213, *amicus* asks the Court to grant this motion and accept the brief.

s/ Caroline M. Gieser
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