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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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APPEAL FROM YORK COUNTY  
Court of Common Pleas

Jean H. Toal, Circuit Court Judge

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Appellate Case No. 2022-001574

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Stephen R. Edwards, Individually and as  
Personal Representative of the Estate of  
Steven Redfearn Stewart..... Respondent,

v.

Scapa Waycross, Inc.....Petitioner.

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**MOTION OF THE CHAMBER OF COMMERCE OF  
THE UNITED STATES OF AMERICA AND  
THE SOUTH CAROLINA CHAMBER OF COMMERCE  
FOR LEAVE TO FILE AMICI CURIAE BRIEF  
IN SUPPORT OF PETITIONER**

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Pursuant to Rules 213 and 240 of the South Carolina Appellate Court Rules,  
the Chamber of Commerce of the United States of America (“U.S. Chamber”) and  
the South Carolina Chamber of Commerce (“State Chamber”) respectfully move for  
leave to file the accompanying amici curiae brief in support of petitioner Scapa  
Waycross, Inc.

The U.S. Chamber is the world's largest business federation. It represents approximately 300,000 direct members and indirectly represents the interests of more than three million companies and professional organizations of every size, in every industry sector, and from every region of the country. An important function of the U.S. Chamber is to represent the interests of its members before Congress, the Executive Branch, and the courts. To that end, the U.S. Chamber regularly files amicus briefs in cases, like this one, that raise issues of concern to the nation's business community.

The State Chamber is a not-for-profit, statewide organization with a mission of serving as the leading voice for business in South Carolina and with a vision of making South Carolina's economy the most vibrant in the United States, creating opportunity and prosperity for all.

The State Chamber's membership is comprised of businesses from across the state and across industries, from startups and family-owned businesses to multi-national enterprises—all of whom call South Carolina home. The State Chamber aims to protect the interests of South Carolina's business community by identifying and addressing issues that may impair economic development and growth, and routinely participates in state and federal litigation as an amicus. The State Chamber has a substantial interest in ensuring that South Carolina's tort system is fair and balanced, holding parties responsible for the harms and injuries they cause—not for the harmful actions of others.

Amici have a strong interest in this case because the South Carolina Court of Appeals broke from established causation principles in asbestos litigation.

Ensuring that courts follow those principles has great importance for amici and their members, in South Carolina and nationally.

Amici's brief will assist this Court by showing that the Court of Appeals has, in the asbestos context, departed from a longstanding element of the substantial-factor test for causation in tort cases: the need to consider a defendant's relative contribution to the plaintiff's harm. Amici's brief will also discuss the damage that the Court of Appeals' new approach to causation threatens to inflict on the business community and the public. Given their broad experience with tort litigation generally and asbestos litigation in particular, amici are well situated to aid the Court by providing its perspective on these issues.

### **CONCLUSION**

Because amici have an identifiable interest in this matter satisfying South Carolina Appellate Court Rule 213, amici respectfully ask that the Court grant this motion and accept amici's accompanying brief.

s/ Stephen M. Cox

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s/ Erik R. Zimmerman

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Dated: June 30, 2023

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