

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

APPEAL FROM YORK COUNTY
Court of Common Pleas

Jean H. Toal, Circuit Court Judge

Appellate Case No. 2022-0001574

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

Respondent,

v.

Scapa Waycross, Inc.,

Petitioner

**MOTION OF AMERICAN TORT REFORM ASSOCIATION, NATIONAL
ASSOCIATION OF MANUFACTURERS, NATIONAL FEDERATION OF
INDEPENDENT BUSINESS SMALL BUSINESS LEGAL CENTER, INC.,
NATIONAL ASSOCIATION OF MUTUAL INSURANCE COMPANIES,
AMERICAN PROPERTY CASUALTY INSURANCE ASSOCIATION, AND
AMERICAN COATINGS ASSOCIATION FOR LEAVE TO FILE
AMICI CURIAE BRIEF IN SUPPORT OF APPELLANT**

Pursuant to South Carolina Appellate Court Rules 213 and 240, *amici curiae* American Tort Reform Association (ATRA), National Association of Manufacturers (NAM), National Federation of Independent Business Small Business Legal Center, Inc. (NFIB Legal Center), National Association of Mutual Insurance Companies (NAMIC), American Property Casualty Insurance Association (APCIA), and American Coatings Association (ACA) request permission to file the accompanying brief in support of Appellant.

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.

NAM is the largest manufacturing association in the United States, representing small and large manufacturers in all 50 states and in every industrial sector. Manufacturing employs nearly 13 million men and women, contributes \$2.9 trillion to the U.S. economy annually, has the largest economic impact of any major sector, and accounts for over half of all private-sector research and development in the nation. The NAM is the voice of the manufacturing community and the leading advocate for a policy agenda that helps manufacturers compete in the global economy and create jobs across the United States.

The NFIB Legal Center is a nonprofit, public-interest law firm established to provide legal resources and be the voice for small businesses in the nation's courts through representation on issues of public interest affecting small businesses. The NFIB Legal Center is an affiliate of the National Federation of Independent Business, Inc., which is the nation's leading small business association. NFIB's mission is to promote and protect the right of its members to own, operate, and grow their businesses. NFIB represents, in Washington, D.C., and all 50 state capitals, the interests of its members.

NAMIC consists of more than 1,500 member companies, including seven of the top 10 property/casualty insurers in the United States. The association supports local and regional mutual insurance companies on main streets across America as well as many of the country's largest national insurers. NAMIC member companies write \$357 billion in annual premiums and represent 69% of homeowners, 56% of automobile, and 31% of the business insurance markets. Through its advocacy programs NAMIC promotes public policy solutions that benefit member

companies and the policyholders they serve and fosters greater understanding and recognition of the unique alignment of interests between management and policyholders of mutual companies.

APCIA is the primary national trade association for home, auto, and business insurers. APCIA promotes and protects the viability of private competition for the benefit of consumers and insurers, with a legacy dating back 150 years. APCIA's member companies represent 63% of the total U.S. property-casualty insurance market and 73% of the commercial lines market, including more than 75% of the commercial lines premiums in South Carolina.

ACA advances the needs of the paint and coatings industry through advocacy and programs that support environmental protection, product stewardship, health, safety, and the advancement of science and technology.

Amici are organizations that address asbestos causation issues in appellate courts to ensure that such lawsuits remain within the ambit of mainstream and well-accepted science. *Amici's* members include South Carolina asbestos defendants or their insurers. The *amicus* brief will assist the Court by providing a broad perspective on why the Court should reverse the decision below and ensure that South Carolina courts apply sound science in asbestos cases.

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

s/ Caroline M. Gieser

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