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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
Court of Common Pleas
Jean Hoefer Toal, Circuit Court Judge

Appellate Case No. 2023-001096
Case No. 2022-CP-40-03834

Donna B. Welch, individually and as Personal Representative of the Estate of Melvin G. Welch, deceased, Respondent,

v.

Advance Auto Parts, Inc., American Honda Motor Co., Inc., Atlas Asbestos Co, Atlas Turner, Inc. as successor to Atlas Asbestos Co, a foreign company, Bahnson, Inc., Covil Corporation; Daniel International Corporation, Davis Mechanical Contractors, Inc., Ellington Insulation Company, Inc., Fluor Constructors International f/k/a Fluor Corporation, Fluor Constructors International, Inc., Fluor Daniel Services Corporation, Fluor Enterprises, Inc., General Parts, Inc. individually and as successor-in-interest to Carquest Corporation, Goodrich Corporation f/k/a The B. F. Goodrich Company, The Goodyear Tire & Rubber Company, Graybar Electric Company, Inc., Honeywell International, Inc. individually and as successor-in-interest to Allied Signal, Inc., as successor to Bendix Corporation, Morse Tec LLC f/k/a Borgwarner Morse Tec LLC, and successor-by-merger to Borg-Warner Corporation, Occidental Chemical Corporation as successor to Durez Corporation, O'reilly Automotive Stores, Inc., Paramount Global f/k/a Viacomcbs Inc., f/k/a 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, Pneumo Abex LLC successor-in-interest to Abex Corporation, Redco Corporation f/k/a Crane Co., Reinz Wisconsin Gasket LLC f/k/a and/or successor to Reinz Wisconsin Gasket Co. and Wisconsin Gasket Manufacturing Co., a wholly owned subsidiary of Dco LLC, Rust Engineering & Construction, Inc., Rust International Inc., Southern Insulation, Inc., Spirax Sarco, Inc., Union Carbide Corporation, Westrock MWV, LLC individually and as successor-in-interest to Westvaco, ZF Active Safety US Inc. f/k/a Kelsey-Hayes Company, Defendants,

Of whom Atlas Turner, Inc., is the

Appellant.

**RESPONDENT'S DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD
ON APPEAL**

Pursuant to Rule 209 of the South Carolina Appellate Court Rules (SCACR), Respondent Donna B. Welch, individually and as Personal Representative of the Estate of Melvin G. Welch, deceased, designate the following additional material for inclusion in the record on appeal:

PLEADINGS AND OTHER FILED MATERIALS

1. Complaint filed July 25, 2022
2. Defendant Atlas Turner, Inc.'s Motion for Protective Order and Memorandum of Law in Support on Behalf of Itself and Defendant Atlas Asbestos Co., filed January 3, 2023
3. Defendant Atlas Turner, Inc.'s Motion for Summary Judgment on Behalf of Itself and Defendant Atlas Asbestos Co., filed March 20, 2023
4. Defendant Atlas Turner, Inc.'s Memorandum of Law in Support of Its Motion for Summary Judgment on Behalf of Itself and Defendant Atlas Asbestos Co., filed March 20, 2023
5. Defendant Atlas Turner, Inc.'s Motion for Protective Order and Memorandum of Law in Support on Behalf of Itself and Defendant Atlas Asbestos Co., filed April 3, 2023
6. Plaintiffs' Opposition to Defendants Atlas Turner, Inc. and Atlas Asbestos Co.'s Motion for Summary Judgment and Motion to Dismiss, filed April 12, 2023 (including exhibits)
7. Plaintiff's Response in Opposition to Defendant Atlas Turner, Inc.'s Motion for Protective Order (including exhibits), filed April 12, 2023
8. Defendant Atlas Turner, Inc.'s Reply to Plaintiffs' Response in Opposition to Defendant Atlas Turner, Inc.'s Motion for Protective Order on Behalf of Itself and Defendant Atlas Asbestos Co., filed April 18, 2023
9. Answer and Defenses of Defendant Atlas Turner, Inc., on Behalf of Itself and Defendant Atlas Co. to Plaintiffs' Third Amended Complaint
10. Plaintiffs' Motion for Sanctions and for The Appointment of a Receiver, filed May 11, 2023 (including exhibits)
11. Reply in Support of Plaintiffs' Motion for Sanctions and The Appointment of A Receiver (including exhibits); filed May 17, 2023
12. Atlas Turner Inc's Response and Objection to Plaintiffs' Motion to Strike its Answer filed May 23, 2023
13. Atlas Turner Inc.'s Response and Objection to the Plaintiffs' Motion to Appoint a Receiver, filed on June 14, 2023

14. Atlas Turner Inc.'s Supplemental Response and objection to the Plaintiffs' Motion to Appoint a Receiver filed June 14, 2023
15. Fourth Amended Complaint filed June 16, 2023
16. Atlas Turner, Inc.'s Motion to Dismiss Plaintiff's Fourth Amended Complaint filed July 3, 2023
17. Atlas's Memo in Opposition to Plaintiff's Motion to Lift Stay filed August 17, 2023
18. Receiver's Notice of Atlas Turner, Inc.'s Misleading Representations and Filing of Evidence of Potential Insurance Liquidation (including exhibits) filed August 18, 2023
19. Report of the Receiver of the Insurance Assets of Atlas Turner and Response to Certain Insurer Third-Party Defendant's Motion to Stay the Third-Party Action (including exhibits), filed August 18, 2023
20. Receiver's Notice of Filing (including exhibits) filed August 20, 2023

HEARING TRANSCRIPTS

1. April 19, 2023 Hearing Transcript
2. May 4, 2023 Hearing Transcript

TRIAL COURT ORDERS

1. May 11, 2023 Order Holding Atlas Turner, Inc. in Contempt
2. June 21, 2023 Order Striking Atlas Turner's Answer
3. June 21, 2023 Order on Plaintiffs' Motion to Appoint a Receiver

Undersigned counsel certifies, pursuant to Rule 209(c), SCACR, that this designation contains no matter which is irrelevant to the appeal.

Respectfully submitted, November 1, 2023

s/Theile B. McVey

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November 2, 2023

Columbia, South Carolina.