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Nov 21 2023

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

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 which Atlas Turner, Inc., is

Appellant.

**MOTION FOR EXTENSION OF TIME TO FILE/SERVE
REPLY TO RETURN TO MOTION TO CONFIRM AUTOMATIC STAY ETC.**

** Counsel identified on next page **

CLEMENT RIVERS, LLP
Stephen L. Brown (SC Bar No. 66468)
Russell G. Hines (SC Bar No. 72100)
James D. Gandy, III (SC Bar No. 11925)
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
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(843) 720-5488

Attorneys for Appellant

NOW COMES Appellant, Atlas Turner, Inc., by and through its undersigned counsel, pursuant to Rule 263(b), SCACR, and moves for an extension of five (5) days' additional time to file/serve its reply to Respondent's return to Appellant's motion to confirm automatic stay or, alternatively, verified petition for supersedeas.

Presently, pursuant to Rule 240(f), SCACR, the deadline for Appellant's reply to Respondent's return to Appellant's motion to confirm automatic stay or, alternatively, verified petition for supersedeas is tomorrow, November 22, 2023.¹ Because of work-related and other time commitments, including the upcoming Thanksgiving holiday, Appellant respectfully requests that this deadline be extended by 5 days. Respectfully, Appellant believes this relief is consistent with the interests of justice and will not work any undue prejudice upon Respondent.

WHEREFORE, Appellant moves this Honorable Court to grant it an additional 5 days' time to file/serve its reply to the return to the motion to confirm automatic stay or, alternatively, verified petition for supersedeas. With the extension requested herein, the new deadline would be November 29, 2023, according to the undersigned's calculations.² Further, Appellant respectfully requests the Court hold the present deadline in abeyance until it acts upon this motion.

<SIGNED ON THE FOLLOWING PAGE>

¹ Respondent's return was served November 15, 2023.

² See Rule 263(a), SCACR ("In computing any period of time prescribed or allowed by these Rules, by order of court, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a state or federal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor such holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation.").

Respectfully submitted,
CLEMENT RIVERS, LLP

By: s/Stephen L. Brown
Stephen L. Brown (SC Bar No. 66468)
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Attorneys for Appellant

Charleston, South Carolina

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f/k/a Borgwarner Morse Tec LLC, and successor-by-merger to Borg-Warner
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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
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Inc.; Southern Insulation, Inc.; Spirax Sarco, Inc.; Union Carbide Corporation;
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Active Safety US Inc. f/k/a Kelsey-Hayes Company,

Defendants,

Of which Atlas Turner, Inc., is

Appellant.

PROOF OF SERVICE

** Counsel identified on next page **

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Attorneys for Appellants

I, Stephen L. Brown, of Clement Rivers, LLP, attorneys for Appellants, hereby certify that Appellant's **MOTION FOR EXTENSION OF TIME TO FILE/SERVE REPLY TO RETURN TO MOTION TO CONFIRM AUTOMATIC STAY ETC.** was served on all other parties to this appeal on November 21, 2023, via email (see attached) to their following counsel of record:

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*Receiver for "insurance assets"
of Atlas Turner, Inc. per appealed order*

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*Attorneys for Receiver for "insurance assets"
of Atlas Turner, Inc. per appealed order*

Respectfully submitted,
CLEMENT RIVERS, LLP

By: *s/Stephen L. Brown*
Stephen L. Brown (SC Bar No. 66468)

Attorneys for Appellants

Charleston, South Carolina

November 21, 2023

Bell, Pollyana (Polly)

From: Bell, Pollyana (Polly)
Sent: Tuesday, November 21, 2023 11:08 AM
To: 'tmcvey@kassellaw.com'; 'jrutkoski@kassellaw.com'; 'EMoultrie@kassellaw.com';
'pdp@rplegalgroup.com'; 'jchandler@rplegalgroup.com'; 'bb@rplegalgroup.com';
'lindsay@rplegalgroup.com'; 'achapman@dobslegal.com'; 'khardin@dobslegal.com';
'tbranham@dobslegal.com'; 'tbarnes@dobslegal.com'; 'lshirley@dobslegal.com';
'murrell@smithrobinsonlaw.com'; 'jon@smithrobinsonlaw.com'; 'shanonp@smithrobinsonlaw.com'
Cc: 'Stephen Brown (sbrown@yclaw.com)'; 'Hines, Russell'; 'Gandy, III, James D. (Tripp)'; Justman, Aimee;
'Olive, IV, Graydon'
Subject: Welch v. Atlas Turner, Inc.; Appellate Case No. 2023-001096 (CR 230593)
Attachments: Motion for Extension - Reply to Return to Motion - Supersedeas.pdf

Enclosed please find Appellant's Motion for Extension of Time to File/Serve Reply to Return to Motion to Confirm Automatic Stay Etc. for service upon you in the above-referenced matter.

Thank you,

Pollyana Bell
Project Assistant
Commercial Litigation Practice Group
Phone:(843)720-5488 | Fax:(843)579-1369



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SC Court of Appeals

November 21, 2023

VIA US MAIL

Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Donna B. Welch, individually and as Personal Representative of the Estate of
Melvin G. Welch, deceased v. Advance Auto Parts, Inc., et al.
Appellate Case No.: 2023-001096
Case No.: 2022-CP-40-03834
YCR File: 17800-20230593

Dear Ms. Kitchings:

Enclosed please find our firm's check representing the filing fee for Appellant's Motion for Extension of Time to File/Serve their Reply to Return to Motion to Confirm Automatic Stay Etc., which is being electronically filed on November 21, 2023, in the above-referenced matter.

With best wishes and kindest regards, I am

Sincerely,

CLEMENT RIVERS, LLP

Pollyana Bell
Project Assistant

/pbb
Enclosures