

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
Court of Common Pleas

Jean Hoefler Toal, Circuit Court Judge

Case No. 2023-CP-40-01759
Appellate Case No. 2023-001461

John A. Tibbs and Margaret B. Tibbs,

Respondents,

v.

3M Company; 4520 Corp., Inc.; A.O. Smith Corporation; A.W. Chesterton Company; ABB Inc.; Air & Liquid Systems Corporation; Aiw-2010 Wind Down Corp.; Amentum Environment & Energy, Inc.; Anchor/Darling Valve Company; Armstrong International, Inc.; Asbestos Corporation Limited; ASCO, L.P.; Atlas Asbestos Co; Atlas Turner, Inc.; AWT Air Company, Inc.; Bahnson, Inc.; Banner Industries International, Inc.; Banner Industries, LLC; Banner Industries Of N.E., Inc.; Barretts Minerals Inc.; Beaty Investments, Inc.; Bechtel Corporation; The Bonitz Company; Brand Insulations, Inc.; BW/IP Inc.; Canvas Ct, LLC; Cape PLC; Carboline Company; CB&I Laurens, Inc.; Cleaver-Brooks, Inc.; Consolidated Electrical Distributors, Inc.; Copes-Vulcan, Inc.; Covil Corporation; Crane Instrumentation & Sampling, Inc.; Crosby Valve, LLC; Daniel International Corporation; Davis Mechanical Contractors, Inc.; Dezurik, Inc.; Duke Energy Carolinas, LLC; Duke Energy Corporation; Eaton Corporation; Ellington Insulation Company, Inc.; Emerson Electric Co.; Fisher Controls International LLC; Flame Refractories, Inc.; Flowserve Corporation; Flowserve US Inc.; Fluor Constructors International; Fluor Constructors International, Inc.; Fluor Daniel Services Corporation; Fluor Enterprises, Inc.; FMC Corporation; Foster Wheeler Energy Corporation; Gardner Denver Nash, LLC; General Boiler Casing Company, Inc.; General Cable Corporation; General Cable Industries, Inc.; General Electric Company; Gould Electronics Inc.; Goulds Pumps, Incorporated; Goulds Pumps LLC; Great Barrier Insulation Co.; Grinnell LLC; Hajoca Corporation; Howden 3 North America Inc.; HPC Industrial Services, LLC; IMO Industries Inc.; ITT LLC; Joy Global Underground Mining LLC; K-Mac Services Incorporated; Metropolitan Life Insurance Company; Mine Safety Appliances Company, LLC; MP Supply, Inc.; The Nash Engineering Company; Occidental Chemical Corporation; Paramount Global; Patterson Pump Company; PECW Holding Company; Pfizer Inc.; Piedmont Insulation, Inc.; Plastics Engineering Company; Presnell Insulation Co., Inc.; Redco Corporation; Riley Power Inc.; Rockwell Automation, Inc.; RSCC Wire & Cable LLC; Schneider Electric USA, Inc.; Sequoia Ventures Inc.; Spirax Sarco, Inc.; SPX Corporation; Stafford Insulation Company; Standard Insulation Company Of N. C., Inc.; Starr Davis Company, Inc.; Starr Davis Company Of S.C., Inc.; Sterling Fluid Systems (USA) LLC; TE Wire & Cable

LLC; Thermo Electric Company, Inc.; Union Carbide Corporation; Valves And Controls Us, Inc.; Velan Valve Corp.; Viking Pump, Inc.; Vistra Intermediate Company LLC; The William Powell Company Wind Up, Ltd.; Yuba Heat Transfer LLC; Zurn Industries, LLC, Defendants,

Of which, Asbestos Corporation Limited is the Appellant,

and

Peter D. Protopapas, Asbestos Corporation Limited's Duly Appointed Receiver, is Respondent.

**MOTION TO CORRECT DESIGNATION
OF PETER D. PROTOPAPAS, RECEIVER**

Pursuant to Rule 240 of the South Carolina Appellate Court Rules and the Court's November 13, 2023 correspondence, Peter D. Protopapas, as the Court-Appointed Receiver for Atlas Turner's insurance assets ("the Receiver"), respectfully requests the Court correct designate Mr. Protopapas, the Receiver for the insurance assets of Asbestos Corporation Limited, as a respondent in this appeal. Mr. Protopapas was appointed by the circuit court as the Receiver for Asbestos Corporation Limited for the limited purpose of marshaling Asbestos Corporation Limited's insurance assets and administering them consistent with future court orders. However, Asbestos Corporation Limited, by and through its own counsel, appealed that order to this Court.

This Court has ruled that an appeal of an order appointing a receiver does not result in an automatic stay pursuant to Rule 62(a) of the South Carolina Rules of Civil Procedure and Section 14-3-450 of the South Carolina Code. *See* Sept. 8, 2023 Order, *Childers v. Davis Mech. Contractors, Inc.*, Appellate Case No. 2023-000727. Therefore, the Receiver respectfully requests the Court identify the Receiver as a respondent in the appeal.

Respectfully submitted,

s/Jonathan M. Robinson

G. Murrell Smith, Jr. (S.C. Bar 66263)

Jonathan M. Robinson (S.C. Bar 68285)

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**ATTORNEYS FOR RECEIVER PETER D.
PROTOPAPAS**

November 20, 2023

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Velan Valve Corp.; Viking Pump, Inc.; Vistra Intermediate Company LLC; The William Powell
Company Wind Up, Ltd.; Yuba Heat Transfer LLC; Zurn Industries, LLC, Defendants,

Of which, Asbestos Corporation Limited is the Appellant,

and

Peter D. Protopapas, Asbestos Corporation Limited's Duly Appointed Receiver, is Respondent.

PROOF OF SERVICE

I certify that a true copy of the Notices of Appearance, Motion to Correct Designation of Peter D. Protopapas, Receiver and Receiver for Asbestos Corporation Limited's Return to Chubb Insurers' Motion to Intervene in this case has been served on the following, this 20th day of November, 2023, by emailing a copy to each attorney listed below using their primary email address listed in the Attorney Information System pursuant to subsection (g)(3) of the South Carolina Supreme Court's March 20, 2020 Order, as amended May 29, 2020. Pursuant to subsection (g)(3) of the South Carolina Supreme Court's Order, service on the attorneys admitted pro hac vice is accomplished by service on the associated South Carolina lawyer.

Counsel Served: **E-Mail**

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November 20, 2023

From: [Dot Faulkenberry](#)
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Cc: [Jon Robinson](#); [Shanon Peake](#); [Murrell Smith](#)
Subject: Tibbs v. Asbestos Corporation Limited, et al., Case No. 2023-001461
Date: Monday, November 20, 2023 2:16:00 PM
Attachments: [Notices of Appearance, 2.pdf](#)
[Motion to Correct Designation, 2.pdf](#)
[ACL - Return to Mot. to Intervene, 3.pdf](#)
[EXHIBIT A - 2023.08.23 Receiver Motion to Clarify with Exhibit, 1, 2.pdf](#)
[EXHIBIT B - 2023.09.05 Travelers Return to Expedited Motion to Clarify, 2.pdf](#)
[EXHIBIT C - 2023.09.05 Joint Insurers Return to Expedited Motion to Clarify, 2.pdf](#)
[EXHIBIT D - 2023.09.08 Court of Appeals Order Clarifying, 2.pdf](#)
[EXHIBIT E - 2023.08.25 NOF Additional Information re Asbestos Corp Ltd, 2.pdf](#)

On behalf of Jonathan Robinson, please find attached for service a copy of the Notices of Appearance, Motion to Correct Designation of Peter D. Protopapas, Receiver and Receiver for Asbestos Corporation Limited's Return to Chubb Insurers' Motion to Intervene that we are filing with the Court today.

Thank you,
Dot

SMITH ROBINSON
Forward thinking. Results driven.

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