

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 which Atlas Turner, Inc., is the

Appellant.

**RESPONDENT'S OPPOSITION TO APPELLANT'S MOTION FOR EXTENSION OF
TIME TO FILE/SERVE REPLY TO RETURN TO MOTION TO CONFIRM
AUTOMATIC STAY ETC.**

Charles W. Branham, III (SC Bar No. 106178)

Aaron D. Chapman (SC Bar No. 104485)

Ka'Leya Q. Hardin (*Admitted Pro Hac Vice*)

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Attorneys for Respondent

Respondent Donna B. Welch objects to Appellant Atlas Turner, Inc.'s Motion for Extension of Time to File/Serve Reply to Return to Motion to Confirm Automatic Stay Etc. This objection is based on the following:

1. On November 21, 2023, Atlas Turner filed a Motion or Extension of Time to File/Serve Reply to Return to Motion to Confirm Automatic Stay Etc. Although phrased as a request for "5 days" extension, the request actually asks for 7 days, seeking to extend the deadline from November 22, 2023, to November 29, 2023. Atlas represents this extension is needed "Because of work-related and other time commitments, including the upcoming Thanksgiving holiday."¹

2. Atlas Turner's latest request for an extension is part of a pattern of delay engaged in by Atlas. Such delays include:

- i) On August 4, 2023, Atlas Turner requested a 30-day extension of time to file and serve its Initial Brief of Appellant and the Appellant's Designation of Matter. The proffered reason for this delay was "work-related and other time commitments." **Ex. 1**, August 4, 2023, letter to Jenny Abbott Kitchings, Clerk of Court.
- ii) On September 5, 2023, Atlas Turner requested a second 30-day extension of time to file and serve its Initial Brief of Appellant and Appellant's Designation of Matter. Once again, the proffered reason for this delay was "work-related and other time commitments." **Ex. 2**, September 5, 2023 Second Motion for Extension of Time to File/Serve Initial Brief of Appellant.

¹ Thanksgiving is November 23, 2023, a day after Atlas' current deadline.

- iii) On November 10, 2023, Atlas Turner requested a 10-day extension of time to file its initial reply brief. Yet again, the reason offered was “work-related and other time commitments.” **Ex. 3**, November 10, 2023 Motion for Extension of Time to File/Serve Initial Reply Brief of Appellant.

3. This pattern of delay has also been established in a related case pending before this Court, *Tibbs v. 3M Company, et al*, Case No. 2023-CP-40-01759. In that case, Appellant Asbestos Corporation Limited² is represented by the same counsel as Atlas Turner is in this case, and raises similar issues on appeal concerning a receiver as Atlas Turner does in this case. **Ex. 4**, Asbestos Corporation Limited Notice of Appeal. To date, Asbestos Corporation has already sought two delays to its deadlines to file its initial brief, including,

- i) On October 18, 2023, Asbestos Corporation Limited filed a Motion for Extension of Time to File/Serve Initial Brief of Appellant. This request asked for a 30-day extension on the basis of “work-related and other time commitments.” **Ex. 5**, Asbestos Corporation Limited Motion for Extension of Time to File/Serve Initial Brief on Appeal.
- ii) On November 20, 2023 Asbestos Corporation Limited filed a Second Motion for Extension of Time to File/Serve Initial Brief of Appellant. This motion requested a second 30-day extension on account of “work-related and other time commitments.” **Ex. 6**, Asbestos Corporation Limited Second Motion for Extension of Time to File/Serve Initial Brief of Appellant.

² The interrelationship between Atlas Turner and Asbestos Corporation Ltd. has long been recognized by U.S. courts. *See, e.g., Cent. Wesleyan Coll. v. W.R. Grace & Co.*, 143 F.R.D. 628, 643-44 (simultaneous considering motions relating to Atlas Turner and Asbestos Corporation Ltd., and referencing them (along with another related entity, Bell Asbestos) collectively as “Canadian Defendants”).

4. Counsel for Atlas Turner has never disclosed to this Court or Respondents what “work-related and other time commitments” have necessitated these repeated delays.

5. As set forth in Respondent’s Opposition to Appellant’s Motion to Confirm Automatic Stay, or, Alternatively, Verified Petition for Supersedeas, its request for a stay largely parrots its appeal brief, and is directly contrary to this Courts September 8, 2023 order in *Childers v. Davis Mechanical*, in which this Court recognized that receiverships are exempted from automatic stay on appeal by both Rule 62 and S.C. Code §14-3-450.

6. Respondent has not objected to any of Atlas Turner’s previous requests for extension, and counsel for Respondent are typically willing to accommodate reasonable requests. However, to date Atlas Turner has already delayed briefing in this matter 70 days for “work related and other time commitments” of Atlas Turner’s counsel. Given the importance of the Receiver’s power to manage Atlas Turner’s insurance assets to avoid continued spoliation, Respondent believes it would be appropriate for this Court to discourage any further delays from Atlas Turner absent emergency or other compelling reasons beyond “work related and other time commitments.”

Wherefore Respondent Donna B. Welch respectfully requests this Court deny Appellant Atlas Turner, Inc.’s Motion for Extension of Time to File/Serve Reply to Return to Motion to Confirm Automatic Stay Etc.

Respectfully submitted, November 22, 2023

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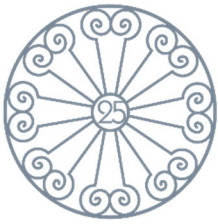
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ATTORNEYS FOR PLAINTIFF

EXHIBIT 1



CLEMENT RIVERS, LLP

ATTORNEYS AT LAW

Stephen L. Brown

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E-Mail: sbrown@ycrlaw.com

August 4, 2023

VIA EMAIL AND 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.
Appeal Case No.: 2023-001096
Underlying Case No.: 2022-CP-40-03834
YCR File: 17800-20230593

Dear Ms. Kitchings:

On behalf of Atlas Turner, Inc., and pursuant to Rule 263(b), SCACR, I hereby respectfully request a 30-day extension of time to file/serve the Initial Brief of Appellant and the Appellant's Designation of Matter to be Included in the Record on Appeal in the above-referenced matter. Our firm's check in the amount of \$50 is being sent to your office to cover the cost of this request.

The present deadline is Monday, August 7, 2023, and I would ask that the Court hold this deadline in abeyance until it acts upon this request. This request is made in light of work-related and other time commitments, and I believe it to be consistent with the interests of justice and not unduly prejudicial to the Respondent. By my calculations, with the requested extension, the Appellant's initial brief and designation of matter will be due on or before September 6, 2023.

Of course, if you have any questions or concerns or if a formal motion is required for the Court to consider the requested extension, please just let me know. With best wishes and kindest regards, I am

Sincerely,

CLEMENT RIVERS, LLP

Stephen L. Brown

SLB/amj

Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
August 4, 2023
Page 2 of 2

cc via email only:

Theile B. McVey, Esquire, Kassel McVey
Jamie D. Rutkoski, Esquire, Kassel McVey
Aaron D. Chapman, Esquire, Dean Omar Branham Shirley, LLP
Peter D. Protopapas, Esquire, Rikard & Protopapas, LLC
John K. Chandler, Esquire, Rikard & Protopapas, LLC
Brian M. Barnwell, Esquire, Rikard & Protopapas, LLC

EXHIBIT 2

RECEIVED

Sep 05 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.

SECOND MOTION FOR EXTENSION OF TIME
TO FILE/SERVE INITIAL BRIEF OF APPELLANT

** Counsel identified on next page **

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(843) 720-5488
Attorneys for Appellant

COMES NOW Appellant Atlas Turner, Inc., by and through its undersigned counsel, pursuant to Rule 263(b), SCACR, and moves for an extension of thirty (30) days' additional time to file/serve its initial brief and corresponding designation of matter to be included in the record on appeal.

Presently, by order of this Court filed August 10, 2023, the deadline for Appellant's initial brief and designation of matter is September 6, 2023. On account of work-related and other time commitments, Appellant respectfully requests this deadline be extended by 30 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 extension of 30 days' time to file/serve its initial brief and corresponding designation of matter to be included in the record on appeal. With the extension requested herein, the new deadline for filing/serving its initial brief and designation of matter would be October 6, 2023, according to the undersigned's calculations. Further, Appellant respectfully requests the Court hold the present initial-briefing/designation-of-matter deadline in abeyance until it acts upon this motion.

Respectfully submitted,
CLEMENT RIVERS, LLP

By: *s/Stephen L. Brown*
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Russell G. Hines (SC Bar No. 72100)
James D. Gandy, III (SC Bar No. 11925)
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Attorneys for Appellant

Charleston, South Carolina

September 5, 2023

RECEIVED

Sep 05 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.

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 **SECOND MOTION FOR EXTENSION OF TIME TO FILE/SERVE INITIAL BRIEF OF APPELLANT** was served on all other parties to this appeal on September 5, 2023, via email (see attached) to their following counsel of record:

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Receiver for "insurance assets" of Atlas Turner, Inc. per Order being appealed

Respectfully submitted,
CLEMENT RIVERS, LLP

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

Attorneys for Appellants

Charleston, South Carolina
September 5, 2023

Bell, Pollyana (Polly)

From: Bell, Pollyana (Polly)
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Cc: Brown, Stephen L.; Hines, Russell; Gandy, III, James D. (Tripp); Peterson, Susan; Justman, Aimee
Subject: Welch v. Atlas Turner, Inc.; Appellate Case No. 2023-001096 (CR 230593)
Attachments: 2nd Motion for Extension - Initial Brief.pdf

Enclosed please find Appellant's Second Motion for Extension of Time to File/Serve their Initial Brief for service upon you in the above-referenced matter.

Thank you,

Pollyana Bell
Project Assistant
Commercial Litigation Practice Group
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FOR SERVICE

EXHIBIT 3

**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 INITIAL REPLY BRIEF OF APPELLANT**

** Counsel identified on next page **

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Attorneys for Appellant

COMES NOW Appellant Atlas Turner, Inc., by and through its undersigned counsel, pursuant to Rule 263(b), SCACR, and moves for an extension of ten (10) days' additional time to file/serve its initial reply brief.

Presently, pursuant to Rule 208(a)(3), SCACR, the deadline for Appellant's initial reply brief is November 13, 2023. On account of work-related and other time commitments, Appellant respectfully requests this deadline be extended by 10 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 extension of 10 days' time to file/serve its initial reply brief. With the extension requested herein, the new deadline for filing/serving its initial reply brief and designation of matter would be November 27, 2023, according to the undersigned's calculations. Further, Appellant respectfully requests the Court hold the present deadline in abeyance until it acts upon this motion.

Respectfully submitted,
CLEMENT RIVERS, LLP

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Attorneys for Appellant

Charleston, South Carolina

November 10, 2023

EXHIBIT 4

**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. 2023-CP-40-01759

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 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

Appellant.

NOTICE OF APPEAL

**** Counsel identified on next page ****
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Other Counsel of Record:

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and

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*Purported receiver for “insurance assets” of Asbestos Corporation Limited per Order being
appealed*

Defendant Asbestos Corporation Limited hereby appeals the following orders of the Honorable Jean Hoefler Toal, Circuit Court Judge, copies of which are attached hereto:

- **Order Holding Atlas Asbestos in Contempt and Striking Pleadings**, filed September 8, 2023;
- **Order on Plaintiffs' Motion to Appoint a Receiver**, filed September 8, 2023;

Copies of the appealed orders are attached hereto and incorporated herein by reference. Appellant received written notice of entry of the most recent order on September 8, 2023.

Respectfully submitted,
CLEMENT RIVERS, LLP

By: *s/Stephen L. Brown*
Stephen L. Brown (SC Bar No. 66468)
Russell G. Hines (SC Bar No. 72100)
James D. Gandy, III (SC Bar No. 11925)
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P.O. Box 993 (29402)
(843) 720-5488

*Attorneys for Appellant Asbestos
Corporation Limited*

Charleston, South Carolina

September 13, 2023

EXHIBIT 5

RECEIVED

Oct 18 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. 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 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

Appellant.

**MOTION FOR EXTENSION OF TIME
TO FILE/SERVE INITIAL BRIEF OF APPELLANT**

CLEMENT RIVERS, LLP
Stephen L. Brown (SC Bar No. 66468)
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Attorneys for Appellant

NOW COMES Appellant, Asbestos Corporation Limited, by and through its undersigned counsel, pursuant to Rule 263(b), SCACR, and moves for an extension of thirty (30) days' time to file/serve its initial brief and corresponding designation of matter to be included in the record on appeal.

Presently, in accordance with Rule 208(a)(1), the deadline for Appellant's initial brief and designation of matter is October 19, 2023. On account of work-related and other time commitments, Appellant respectfully requests that this deadline be extended by 30 days. Respectfully, Appellant believes this relief is consistent with the interests of justice and will not work any undue prejudice upon Respondents.

WHEREFORE, Appellant moves this Honorable Court to grant it an extension of 30 days' time to file/serve its initial brief and corresponding designation of matter to be included in the record on appeal. With the extension requested herein, the new deadline for filing/serving its initial brief and designation of matter would be November 20, 2023, according to the undersigned's calculations. Further, Appellant respectfully requests the Court hold the present initial-briefing/designation-of-matter deadline in abeyance until it acts upon this motion.

[Signature on next page]

Respectfully submitted,
CLEMENT RIVERS, LLP

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Attorneys for Appellant

Charleston, South Carolina

October 18, 2023

RECEIVED

Oct 18 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. 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 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

Appellant.

PROOF OF SERVICE

CLEMENT RIVERS, LLP
Stephen L. Brown (SC Bar No. 66468)
Russell G. Hines (SC Bar No. 72100)
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Attorneys for Appellant

I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Appellant, hereby certify that the **MOTION FOR EXTENSION OF TIME TO FILE/SERVE INITIAL BRIEF OF APPELLANT** was served on all other parties to this appeal on October 18, 2023, via email (see attached) to their following counsel of record:

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PO Box 5640, Columbia, SC 29250

Purported receiver for “insurance assets” of Asbestos Corporation Limited per Order being appealed

Respectfully submitted,
CLEMENT RIVERS, LLP

By: s/Russell G. Hines
Russell G. Hines (SC Bar No. 72100)

Attorneys for Appellant

Charleston, South Carolina

October 18, 2023

EXHIBIT 6

**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. 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 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

Appellant.

**SECOND MOTION FOR EXTENSION OF TIME
TO FILE/SERVE INITIAL BRIEF OF APPELLANT**

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Attorneys for Appellant

NOW COMES Appellant, Asbestos Corporation Limited, by and through its undersigned counsel, pursuant to Rule 263(b), SCACR, and moves for a second extension of thirty (30) days' time to file/serve its initial brief and corresponding designation of matter to be included in the record on appeal.

Presently, by order of this Court filed October 27, 2023, the deadline for Appellant's initial brief and designation of matter is November 20, 2023. On account of work-related and other time commitments, Appellant respectfully requests that this deadline be extended by 30 days. Respectfully, Appellant believes this relief is consistent with the interests of justice and will not work any undue prejudice upon Respondents.

WHEREFORE, Appellant moves this Honorable Court to grant it an extension of 30 days' time to file/serve its initial brief and corresponding designation of matter to be included in the record on appeal. With the extension requested herein, the new deadline for filing/serving its initial brief and designation of matter would be December 20, 2023, according to the undersigned's calculations. Further, Appellant respectfully requests the Court hold the present initial-briefing/designation-of-matter deadline in abeyance until it acts upon this motion.

Respectfully submitted,
CLEMENT RIVERS, LLP

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Attorneys for Appellant

Charleston, South Carolina

November 20, 2023

RECEIVED

Nov 22 2023

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal from Richland County
Court of Common Pleas
Jean Hoefler 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.

PROOF OF SERVICE

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I, Elizabeth Moultrie, of Kassel McVey, hereby certify that **RESPONDENT'S OPPOSITION TO APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE/SERVE REPLY TO RETURN TO MOTION TO CONFIRM AUTOMATIC STAY ETC.** were served on all the parties to this appeal on November 22, 2023, via email to their counsel of record:

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PO Box 5640, Columbia, SC 29250

Receiver for "insurance assets"

of Atlas Turner, Inc. per appealed order



Elizabeth Moultrie