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Nov 20 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.

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

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
P.O. Box 993 (29402)
(843) 720-5488

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

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)
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
(843) 720-5488
Attorneys for Appellant

Charleston, South Carolina

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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)
James D. Gandy, III (SC Bar No. 11925)
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
(843) 720-5488

Attorneys for Appellant

I, Stephen L. Brown, of Clement Rivers, LLP, attorneys for Appellant, hereby certify that the **SECOND MOTION FOR EXTENSION OF TIME TO FILE/SERVE INITIAL BRIEF OF APPELLANT** was served on all other parties to this appeal on November 20, 2023, via email (see attached) to their following counsel of record:

Theile B. McVey
tmcvey@kassellaw.com
Jamie D. Rutkoski
jrutkoski@kassellaw.com
KASSEL MCVEY ATTORNEYS AT LAW
1330 Laurel Street
Post Office Box 1476
Columbia, South Carolina, 29202-1476

and

Aaron D. Chapman
achapman@dobslegal.com
David C. Humen
dhumen@dobslegal.com
DEAN OMAR BRANHAM SHIRLEY, LLP
302 N. Market Street, Suite 300
Dallas, Texas 75202

Attorneys for Respondent

Peter D. Protopapas
pdp@rplegalgroup.com
John K. Chandler
jchandler@rplegalgroup.com
Brian M. Barnwell
bb@rplegalgroup.com
RIKARD & PROTOPAPAS, LLC
2110 N. Beltline Blvd, Columbia, SC 29204
PO Box 5640, Columbia, SC 29250

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

Kevin K. Bell
kbell@robinsongray.com
ROBINSON GRAY STEPP & LAFFITTE, LLC
P.O. Box 11449
Columbia, SC 29211

Attorneys for Century Indemnity Company and Federal Insurance Company

[Signature page for Proof of Service of Second Motion for Extension of Time to file/serve Initial Brief of Appellant, Appellate Case No. 2023-001461]

Respectfully submitted,
CLEMENT RIVERS, LLP

By: *s/Stephen L. Brown*
Stephen L. Brown (SC Bar No. 72100)
Attorneys for Appellant

Charleston, South Carolina

November 20, 2023

Bell, Pollyana (Polly)

From: Bell, Pollyana (Polly)
Sent: Monday, November 20, 2023 11:33 AM
To: Theile McVey; jrutkoski@kassellaw.com; achapman@dobslegal.com; dhumen@dobslegal.com; pdp@rplegalgroup.com; jchandler@rplegalgroup.com; Brian Barnwell; kbell@robinsongray.com; emoultrie@kassellaw.com; jkinkaid@dobslegal.com; sfanning@kassellaw.com
Cc: Brown, Stephen L.; Hines, Russell; Gandy, III, James D. (Tripp); Justman, Aimee
Subject: Tibbs v. Asbestos Corporation Limited; Appellate Case No. 2023-001461 (CR 230595)
Attachments: Second Motion for Extension - Initial Brief.pdf

Enclosed please find Appellant's Second Motion of 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
Phone:(843)720-5488 | Fax:(843)579-1369



CLEMENT RIVERS, LLP
25 Calhoun Street • Suite 600 • Charleston, SC 29401
FOR OFFICE



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Nov 20 2023
CLEMENT RIVERS, LLP
ATTORNEYS AT LAW
SC Court of Appeals

Pollyana Bell
Project Assistant

Direct Dial: (843) 720-5488
Direct Fax: (843) 579-1369
E-mail: pbell@yrcrlaw.com

November 20, 2023

VIA US MAIL

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

Re: John A. Tibbs and Margaret B. Tibbs v. 3M Company, et al.
Appellate Case No.: 2023-001461
Case No.: 2023-CP-40-01759
YCR File: 17800-20230595

Dear Ms. Kitchings:

Enclosed please find our firm's check representing the filing for Appellant's Second Motion for Extension of Time to File/Serve their Initial Brief, which has been electronically filed on November 20, 2023, in the above-referenced matter.

With best wishes and kindest regards, I am

Sincerely,

CLEMENT RIVERS, LLP

Pollyana Bell
Project Assistant

/pbb
Enclosure(s)