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Dec 06 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, Chief Justice (Ret.)

Case No. 2022-CP-40-06627

Appellate Case No. 2023-001629

Terry L. Green, Sr., as the Personal Representative of the Estate of Robert J. Green, Deceased
and Evelyn V. Green, Individually, Plaintiffs,

v.

3M Company; Advance Stores Company Incorporated; Amentum Environment & Energy, Inc.;
AutoZone, Inc.; Beatty Investments, Inc.; The Bonitz Company; CH2M Hill Engineers, Inc.;
Cleaver-Brooks, Inc.; Covil Corporation; Daniel International Corporation; Davis Mechanical
Contractors, Inc.; Eaton Corporation; Ellington Insulation Company, Inc.; Fluor Constructors
International; Fluor Enterprises, Inc.; Ford Motor Company; General Electric Company; General
Parts, Inc.; Genuine Parts Company; GG of Florida, Inc.; The Goodyear Tire & Rubber
Company; Great Barrier Insulation Co.; Heat & Frost Insulation Company; ITT LLC; J. & L.
Insulation, Inc.; K-Mac Services, Inc.; LGE (OLD Co.), Inc.; LGE&C (OLD Co.) LLC;
Metropolitan Life Insurance Company; Michelin Corporation; Michelin North America, Inc.;
O'Reilly Auto Enterprises, LLC; O'Reilly Automotive Stores, Inc.; Occidental Chemical
Corporation; Paramount Global; Plastics Engineering Company; Pneumo Abex LLC; Presnell
Insulation Co., Inc.; RedCo Corporation; Rockwell Automation, Inc.; Schneider Electric USA,
Inc.; Southern Insulation, Inc.; Spirax Sarco, Inc.; Springs Industries, Inc.; Springs Industries,
LLC; Standard Insulation Company of N.C., Inc.; Starr Davis Company, Inc.; Starr Davis
Company of S.C., Inc.; Thermo-Kinetics Industries, Inc.; Union Carbide Corporation; Wind Up,
Ltd., Defendants,

AND

Davis Mechanical Contractors, Inc., by and through its Receiver Peter D. Protopapas,
Respondent

v.

American Home Assurance Company; Columbia Casualty Company; Continental Casualty
Company; Continental Insurance Company; Federal Insurance Company; Fireman's Fund
Insurance Company; Republic Insurance Company, n/k/a Starr Indemnity & Liability Company;

United States Fire Insurance Company; Brandywine Holdings Corporation; and Riverstone
Claims Management, LLC, Third-Party Defendants,

of which Republic Insurance Company n/k/a Starr Indemnity & Liability Company is the
Appellant.

CONSENT MOTION FOR LEAVE TO FILE RULE 60(b) MOTION

Appellant Republic Insurance Company n/k/a Starr Indemnity & Liability Company, with
the consent of Respondent Davis Mechanical Contractors, Inc., by and through its Receiver Peter
D. Protopapas, respectfully moves this Court for an order granting the parties leave to file a joint
motion, pursuant to Rule 60(b), SCRPC, to vacate the circuit court's October 12, 2023 order.
Because this order is currently on appeal to this Court, this Court's leave is required in order for
the parties to file the motion and for the motion to be heard and ruled upon by the circuit court.

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The Honorable Jean H. Toal
Acting Circuit Court Judge

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Appellate Case No. 2023-001629

Terry L. Green, Sr., as the Personal Representative
of the Estate of Robert J. Green, Deceased and
Evelyn V. Green, Individually.....Plaintiffs,

v.

3M Company; Advance Stores Company Incorporated;
Amentum Environment & Energy, Inc.; AutoZone, Inc.; Beaty
Investments, Inc.; The Bonitz Company; CH2M Hill Engineers,
Inc.; Cleaver-Brooks, Inc.; Covil Corporation; Daniel International
Corporation; Davis Mechanical Contractors, Inc.; Eaton Corporation;
Ellington Insulation Company, Inc.; Fluor Constructors International;
Fluor Enterprises, Inc.; Ford Motor Company; General Electric
Company; General Parts, Inc.; Genuine Parts Company;
GG of Florida, Inc.; The Goodyear Tire & Rubber Company;
Great Barrier Insulation Co.; Heat & Frost Insulation Company;
ITT LLC; J. & L. Insulation, Inc.; K-Mac Services, Inc.; LGE
(OLD Co.), Inc.; LGE&C (OLD Co.) LLC; Metropolitan Life
Insurance Company; Michelin Corporation; Michelin North America,
Inc.; O'Reilly Auto Enterprises, LLC; O'Reilly Automotive Stores, Inc.;
Occidental Chemical Corporation; Paramount Global; Plastics
Engineering Company; Pneumo Abex LLC; Presnell Insulation Co.,
Inc.; RedCo Corporation; Rockwell Automation, Inc.; Schneider
Electric USA, Inc.; Southern Insulation, Inc.; Spirax Sarco, Inc.;
Springs Industries, Inc.; Springs Industries, LLC; Standard Insulation
Company of N.C., Inc.; Starr Davis Company, Inc.; Starr Davis
Company of S.C., Inc.; Thermo-Kinetics Industries, Inc.;
Union Carbide Corporation; Wind Up, Ltd.,.....Defendants,

Davis Mechanical Contractors, Inc.,
by and through its Receiver Peter D. Protopapas.....Third-Party Plaintiff,

v.

American Home Assurance Company; Columbia
Casualty Company; Continental Casualty Company;
Continental Insurance Company; Federal Insurance
Company; Fireman’s Fund Insurance Company;
Republic Insurance Company, now known as
Starr Indemnity & Liability Company; United States
Fire Insurance Company; Brandywine Holdings Corporation;
and Riverstone Claims Management, LLC,Third-Party Defendants,

of which

Davis Mechanical Contractors, Inc.,
through its Receiver Peter D. Protopapas, is theRespondent,

and

Republic Insurance Company n/k/a
Starr Indemnity & Liability Company is theAppellant.

PROOF OF SERVICE

I, the undersigned of the law offices of Sweeny, Wingate & Barrow, PA, attorneys for Appellant, do hereby certify that I have served all parties to this appeal with a copy of Republic’s Consent Motion for Leave to File Rule 60(b) Motion by emailing a copy to them to the addresses below:

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December 6, 2023