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SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Richland County  
Court of Common Pleas  
Jean Hoefer Toal, Circuit Court Judge

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

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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.; Bahnon, 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.

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**RESPONDENTS' MOTION FOR *PRO HAC VICE*  
ADMISSION OF TODD BARNES**

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Charles W. Branham, III (SC Bar No. 106178)  
**DEAN OMAR BRANHAM SHIRLEY, LLP**  
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Dallas, TX 75202  
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Theile B. McVey (SC Bar No. 16682)  
**KASSEL MCVEY ATTORNEYS AT LAW**  
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Other email: [emoultrie@kassellaw.com](mailto:emoultrie@kassellaw.com)

*Attorneys for Respondents*

Pursuant to RULE 240 AND RULE 404 OF THE SOUTH CAROLINA RULES OF APPELLATE PROCEDURE Todd Barnes, through the undersigned counsel, moves to be admitted *Pro Hac Vice* before this Court in the above-entitled action, to participate as counsel for Respondents, and in support thereof, states:

1. That he is a member in good standing of the Indiana State Bar, admitted before the court of last resort in that state, and has never been the subject of a disciplinary proceeding.

2. This motion is based upon the attached Verified Application for Admission *Pro Hac Vice* of Todd Barnes, a copy of each of which is attached hereto and incorporated herein by reference.

WHEREFORE, the undersigned counsel for Respondents moves for the admission *Pro Hac Vice* of Todd Barnes, as co-counsel in this matter.

s/Theile B. McVey

Theile B. McVey (SC Bar 16682)

[tmcvey@kassellaw.com](mailto:tmcvey@kassellaw.com)

John D. Kassel (SC Bar 03286)

[jkassel@kassellaw.com](mailto:jkassel@kassellaw.com)

KASSEL MCVEY

ATTORNEYS AT LAW

1330 Laurel Street

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Columbia, South Carolina. 29202-476

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Other email: [emoultrie@kassellaw.com](mailto:emoultrie@kassellaw.com)

December 5, 2023

Columbia, South Carolina

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

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Appeal from Richland County  
Court of Common Pleas  
Jean Hoefer Toal, Circuit Court Judge

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

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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.; Bahnsen, Inc.; Banner Industries International, Inc.; Banner Industries, LLC; Banner Industries Of N.E., Inc.; Barretts Minerals Inc.; Beatty 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.; Flowsolve Corporation; Flowsolve 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.

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ORDER

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Theile B. McVey and John D. Kassel, of the firm Kassel McVey Attorneys at Law, move this Court for an order admitting Todd Barnes, Esquire, *pro hac vice* in this case as co-counsel for the Respondents. The motion is GRANTED.

FOR THE COURT

BY: \_\_\_\_\_  
CLERK

Columbia, South Carolina

cc:

Theile Branham McVey, Esquire  
John D. Kassel, Esquire  
Charles W. Branham, III, Esquire  
Stephen L. Brown, Esquire  
Russell G. Hines, Esquire  
James D. Gandy, III, Esquire  
Peter D. Protopapas, Esquire  
John K. Chandler, Esquire  
Brian M. Barnwell, Esquire

COPY

VERIFIED APPLICATION FOR ADMISSION PRO HAC VICE IN THE STATE OF SOUTH CAROLINA

Please type your answers in the space provided. Provide an answer for every question asked. In your own handwriting, sign in all spaces where a signature is required (no e-signatures). The accompanying certificate of good standing should not be older than 90 days at the time of the filing of this application.

John A. Tibbs and Margaret B. Tibbs 2023-001461 South Carolina Court of Appeals
Plaintiff Case No. Tribunal
vs. Mailing Address of Tribunal: 1220 Senate Street
Asbestos Corporation Limited 1220 Senate Street
Defendant Columbia, South Carolina 29201

Comes now Todd Barnes, applicant herein, and respectfully represents the following:

1. Applicant resides at: 6722 Silverthorne Way
Street Address
Indianapolis Marion IN 46259
City County State Zip Code
317-702-0292
Telephone

2. Applicant is an attorney and a member of the law firm of (or practices law under the name of) Dean Omar Branham Shirley LLP, with offices at 951 N. Delaware St.
Street Address
Indianapolis Marion IN 46202
City County State Zip Code
317-854-3003 317-702-0292 317-854-3003 tbarnes@dobslegal.com
Primary Telephone Cell Phone Fax Number Email Address

3. Applicant has been retained personally or as a member of the above-named law firm by John A. Tibbs and Margaret B. Tibbs to provide legal representation in connection with the above case now pending before the above-named tribunal of the State of South Carolina.

4. Since November of 2005, Applicant has been, and presently is, a member in good standing of the bar of the highest court of the District of Columbia or the State of Indiana where Applicant regularly practices law. Attached is a certificate of good standing dated within the last 90 days from the bar of the highest court of the District of Columbia or the State where applicant regularly practices law. It is not necessary to provide a certificate of good standing from all courts before which you are admitted.

5. List all courts before which Applicant has been admitted to practice law, including United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and state courts or the District of Columbia.

Court:	Date Admitted:
Michigan	11/19/1999
Indiana	11/9/2005
Western District of Michigan	2/21/2001
Central District of Illinois	11/15/2002
Northern District of Indiana	10/26/2005
Southern District of Indiana	10/11/2007

Is Applicant presently a member in good standing of the bars of those courts listed above? List any court named in the preceding paragraph that applicant is no longer admitted to practice before.

Yes

6. Is Applicant presently subject to any suspension or disbarment proceedings, or has Applicant been formally notified of any complaints pending before a disciplinary agency? If yes, give particulars, e.g., jurisdiction, court date.

No

7. Has Applicant had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked? If yes give particulars, e.g., date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation.

See attached.

8. Has Applicant had any certificate or privilege to appear and practice before any court or administrative body suspended or revoked? If yes, give particulars, e.g., date, court, administrative body, date of suspension and reinstatement.

No.

9. Please be aware that local counsel must be Rule 403 certified. Local counsel of record associated with Applicant in this case is Theile McVey of the Kassel McVey

law firm, which has offices at:

1330 Laurel Street, P.O. Box 1476

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Street Address	Richmond	SC	29202
Columbia	County	State	Zip Code
803-256-4242	803-582-7070	803-256-1952	tmcvey@kassellaw.com
Primary Telephone	Cell Phone	Fax Number	Email Address

16682

South Carolina Bar Number  
(You must provide Bar Number)

10. Has Applicant previously filed an application to appear *pro hac vice* in South Carolina cases? If yes, give case name and status of litigation, date of application, local counsel of record in each case, and state whether application is pending or was granted.

See attached.

11. Does Applicant agree to comply with the applicable statutes, laws and rules of the State of South Carolina and familiarize him/herself with and comply with the South Carolina Rules of Professional Conduct? Does Applicant consent to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct.

Yes

12. Applicant respectfully requests to be admitted to practice in the above-named tribunal for this case only.

DATED this 6 day of Nov, 2023

J.J. Barnes  
APPLICANT

VERIFICATION

STATE OF Indiana )

COUNTY OF Marion )

I, Todd Burnes, do hereby swear or affirm under penalty of perjury that I am the applicant in the above-styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true. I understand that I am under a continuing duty to promptly update the information provided in the application until the tribunal has ruled on the motion for admission pro hac vice. Further, if the motion is granted, I understand that I am under a continuing duty to promptly update the information provided in the application as long as I continue to appear pro hac vice in the action or proceeding. Any updated information shall be provided to both the tribunal that granted the motion and to the tribunal in which the action or proceeding may then be pending.

Todd Burnes

APPLICANT/AFFIANT

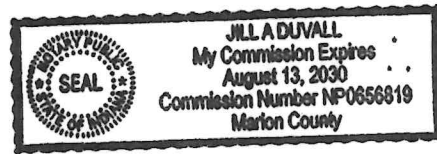
Subscribed and sworn to before me this 4<sup>th</sup> day of November, 20 23

Jill A Duvall

(Notary Signature)

Notary Public for the State of Indiana

My Commission Expires: 8-13-30



LOCAL COUNSEL CONSENT

I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

DATED this 4<sup>th</sup> day of Dec, 20 23

[Signature]  
LOCAL COUNSEL OF RECORD

CERTIFICATE OF SERVICE

hand I hereby certify that I have served a copy of this application upon the South Carolina Supreme Court by mail addressed to: South Carolina Supreme Court Office of Bar Admissions, PO Box 11330, Columbia, SC 29211, accompanied by payment of the \$250 filing fee payable to the South Carolina Supreme Court on this

4<sup>th</sup> day of December, 20 23

[Signature]

### **Pro Hac Vice Denials**

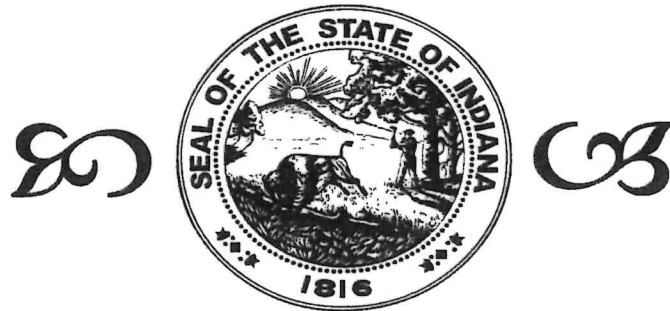
In or about February, 2010, I requested leave to file a limited *pro hac vice* appearance in the case *Nolan v. Weil-McLain*, Vermillion County Illinois case number 01 L 117. My client, Mary Mikels, was a non-party to the case, and was not a resident of Illinois. However, the Defendant Weil-McLain sought a Court order requiring Ms. Mikels to undergo an interview with its attorneys outside the presence of the plaintiff's counsel. Ms. Mikels opposed this request, and asked me to appear on her behalf at a telephone hearing on Weil-McLain's motion

I called in to the telephonic hearing, and introduced myself to the Judge explaining that I had a *pro hac* application pending before him that had not yet been ruled upon. The Court indicated it would not be necessary for me to formally appear, as he intended to deny the motion as being beyond his authority to grant. To the best of my knowledge, my application was therefore either never ruled upon, or was denied as moot.

10. Has Applicant previously filed an application to appear *pro hac vice* in South Carolina cases? If yes, give case name and status of litigation, date of application, local counsel of record in each case, and state whether application is pending or was granted.

Case Name	Status of Litigation	Date of Application	Local Counsel of Record	Application Pending or Granted
<i>Howe v. Air &amp; Liquid Systems</i>	Appeal voluntarily dismissed	3/31/22	Theile McVey	Granted
<i>Welch v. Atlas Turner, Inc.</i>	Pending	11/2/23	Theile McVey	Granted

# SUPREME COURT OF THE STATE OF INDIANA



## *Certification*

### **STATE OF INDIANA:**

I, Bradley W. Skolnik, Executive Director of the Office of Admissions and Continuing Legal Education, do hereby certify that

**TODD CHRISTOPHER BARNES**

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is a member of the bar of the Supreme Court of Indiana since admission on November 9, 2005, and is in good standing therein.

Given under my hand and the seal of said Court at Indianapolis, Indiana, this 27th day of November, 2023.



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Bradley W. Skolnik  
Executive Director  
Office of Admissions and Continuing Education  
Indiana Supreme Court