

RECEIVED

Dec 13 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

Appellate Case No. 2023-001461
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.; 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.

**RESPONDENTS' MOTION FOR *PRO HAC VICE* ADMISSION OF
KA'LEYA HARDIN**

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

DEAN OMAR BRANHAM SHIRLEY, LLP

302 N. Market Street, Suite 300

Dallas, TX 75202

T: 214-722-5990

F: 214-722-5991

tbranham@dobslegal.com

Theile B. McVey (SC Bar No. 16682)

KASSEL MCVEY ATTORNEYS AT LAW

1330 Laurel Street

Post Office Box 1476

Columbia, South Carolina 29202-1476

T: 803-256-4242

F: 803-256-1952

tmcvey@kassellaw.com

Other email: emoultrie@kassellaw.com

Pursuant to RULE 240 AND RULE 404 OF THE SOUTH CAROLINA RULES OF APPELLATE PROCEDURE Ka'Leya Hardin, 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 she is a member in good standing of the Mississippi 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 Ka'Leya Hardin, a copy of which is attached hereto and incorporated herein by reference.

WHEREFORE, the undersigned counsel for Respondents move for the admission *Pro Hac Vice* of Ka'Leya Hardin, as co-counsel in this matter.

s/Theile B. McVey
Theile B. McVey (SC Bar 16682)
tmcvey@kassellaw.com
John D. Kassel (SC Bar 03286)
jkassel@kassellaw.com
KASSEL MCVEY
ATTORNEYS AT LAW
1330 Laurel Street
Post Office Box 1476
Columbia, South Carolina. 29202-476
Telephone: 803-256-4242
Facsimile: 803-256-1952
Other email: emoultrie@kassellaw.com

December 5, 2023

Columbia, South Carolina

**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. 2023-001461
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.; 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.

ORDER

Theile B. McVey and John D. Kassel, of the firm Kassel McVey Attorneys at Law, move this Court for an order admitting Ka'Leya Hardin, 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

RECEIVED

Dec 13 2023

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

SC Court of Appeals

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.

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

Comes now Ka'Leya Q. Hardin, applicant herein, and respectfully represents the following:

1. Applicant resides at:

<u>700 Meandering Drive</u>			
Street Address			
<u>Cedar Hill</u>	<u>Dallas</u>	<u>Texas</u>	<u>75104</u>
City	County	State	Zip Code
<u>214-722-5990</u>			
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

<u>302 N. Market Street, Suite 300</u>			
Street Address			
<u>Dallas</u>	<u>Dallas</u>	<u>Texas</u>	<u>75202</u>
City	County	State	Zip Code
<u>214-722-5990</u>	<u>601-310-4219</u>	<u>214-722-5991</u>	<u>khardin@dobslegal.com</u>
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 September of 2011, 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 Mississippi 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.

RECEIVED

DEC 05 2023

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:
Mississippi	09/2011
West Virginia	02/2015
Southern District of West Virginia	09/2015
U.S. Court of Appeals, Ninth Circuit	10/2019

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.

No.

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

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 10th day of November, 2023

Kateya Hardin
APPLICANT

VERIFICATION

STATE OF Texas)

COUNTY OF Dallas)

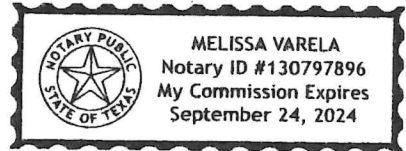
I, Kateya Hardin, do hereby swear or affirm under penalty of perjury that I am the applicant in the above-styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, 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.

Kateya Hardin
APPLICANT/AFFIANT

Subscribed and sworn to before me this 10th day of November, 20 23

Melissa Varela
(Notary Signature)

Notary Public for the State of Texas
My Commission Expires: 9-24-24



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 4th 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

4th day of December, 20 23

[Signature]

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.

- a. *Jerry Crawford v. Covil Corporation*, No. 2018-001965. The appeal has been completed. The Pro Hac Vice application is dated February 5, 2019. Local counsel is Theile McVey with Kassel McVey. The Pro Hac Vice application was granted on May 31, 2019.
- b. *Welch v. Atlas Turner, Inc.*, No. 2023-001096. The appeal is pending. The Pro Hac Vice application is dated July 14, 2023. Local counsel is Theile McVey with Kassel McVey. The Pro Hac Vice application was granted on August 9, 2023.



THE MISSISSIPPI BAR

Post Office Box 2168
Jackson, Mississippi 39225-2168
Telephone (601) 948-4471
Fax (601) 355-8635
E-Mail info@msbar.org
Website www.msbar.org

Letter of Good Standing

TO WHOM IT MAY CONCERN:

As of the date below, the attorney named is a member in good standing of The Mississippi Bar on **Active** status.

Ka'Leya Quinae Hardin, Mississippi Bar Identification Number (103972) was admitted to practice law, **September 27, 2011**.

Amy S. Ward
Membership Records Coordinator

Date 11/27/2023

