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Jan 16 2024

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.

**APPELLANT'S STATUS REPORT REGARDING MOTION FOR LEAVE TO FILE
RULE 60(b) MOTION**

Pursuant to this Court's December 14, 2023 Order, Appellant Republic Insurance Company n/k/a Starr Indemnity & Liability Company submits this status update:

- On December 14, 2023, this Court granted a joint motion for leave to file a motion pursuant to Rule 60(b) of the South Carolina Rules of Civil Procedure.
- By email to Receiver on December 7, 2023, Counsel for Appellant advised Receiver of issues needing progress prior to filing of the Rule 60(b) motion in the circuit court.
- During the period since entry of the December 14, 2023 Order, including during the intervening holidays, counsel for Appellant and Respondent have been in regular and ongoing communications by phone and email regarding the Rule 60(b) motion and process and regarding ongoing discovery and insurance policy considerations related to the parties' Rule 60(b) discussions. Upon information and belief, the parties have made substantive progress on those issues. Appellants anticipate that with additional progress, a joint Rule 60(b) motion will be filed prior to the next update due to this Court.

Appellant will further update this Court pursuant to the December 14, 2023 Order and as the Court otherwise directs.

January 16, 2024

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The Honorable Jean H. Toal
Acting Circuit Court Judge

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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 **Appellant’s Status Report Regarding Motion for Leave to File Rule 60(B) Motion** by emailing a copy to them to the addresses below:

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