

RECEIVED

Feb 12 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.
- Following the parties’ progress as noted in the January 16, 2024 status report and in additional subsequent communications, Counsel for Appellant has circulated a draft Rule 60(b) motion to Counsel for Respondent. Counsel for Appellant anticipates the Motion will be filed following parties’ joint approval of final draft of Motion.

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

February 12, 2024

s/Brandon R. Gottschall
Mark V. Gende, SC Bar No. 72835
Brandon R. Gottschall, SC Bar No. 100621
Daniel Q. Atkinson, SC Bar No. 105252
Sweeny Wingate & Barrow, P.A.
Post Office Box 12129
Columbia, South Carolina 29211
(803) 256-2233

Attorneys for Appellant

RECEIVED

Feb 12 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

The Honorable Jean H. Toal
Acting Circuit Court Judge

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.; 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:

Parties Served:

- Peter D. Protopapas (pdp@rplegalgroup.com)
- John B. White, Jr. (jwhite@johnbwhitelaw.com)
- G. Murrell Smith, Jr. (murrell@smithrobinsonlaw.com)
- Jonathan M. Robinson (jon@smithrobinsonlaw.com)
- Shanon N. Peake (shanonp@smithrobinsonlaw.com)

Attorneys for Respondent, Third-Party Plaintiff Davis Mechanical Contractors, Inc., through its Receiver Peter D. Protopapas

Morgan Y. Drapeau (morgan.drapeau@bowmanandbrooke.com)
Angela G. Strickland (angela.strickland@bowmanandbrooke.com)

Attorneys for Defendant 3M Company

Gregory W. Rouse, II (grouse@maronmarvel.com)

Attorney for Defendant Abex Corporation

W. David Conner (dconner@hsblawfirm.com)
Scott Edward Frick (sfrick@hsblawfirm.com)
Moffatt G. McDonald (mmcDonald@hsblawfirm.com)
Carson S. Phillips (cphillips@hsblawfirm.com)

Attorneys for Defendant Advance Auto Parts Incorporated, Defendant Daniel International Corporation, Defendant Fluor Constructors International Inc., Defendant Fluor Contractors International, Defendant Flour Corporation, Defendant Fluor Daniel Services Corporation, Defendant Fluor Enterprises Inc., Defendant General Parts Inc., and Defendant Union Carbide Corporation

Robert Wilder Harte (wharte@richardsonplowden.com)
Steven James Pugh (spugh@richardsonplowden.com)

Attorneys For Yeargin Construction Company Inc and Aecom Construction Company, Inc.

Carmela E. Mastrianni (cmastrianni@lawhssm.com)

Attorney for Third-Party Defendant Allstate Insurance Company

Tara C. Sullivan (tara.sullivan@klgates.com)

Attorney for Defendant Autozone, Inc.

Derrick Colby Foard (derrick.foard@elliswinters.com)

Attorney for Defendant Beauty Investments Inc.

Kevin Kendrick Bell (kbell@robinsongray.com)

Attorney for Third-Party Defendants Brandywine Holdings Corporation and Federal Insurance Company

James B. Glenn (jase.glenn@nelsonmullins.com)
Robert O. Meriwether (robert.meriwether@nelsonmullins.com)

Attorneys for Defendant CH2M Hill E&C, Inc., Defendant Itt LLC, and Defendant Cleaver Brooks, Inc.

Deirdre S. McCool (deirdre.mccool@nelsonmullins.com)
G. Mark Phillips (mark.phillips@nelsonmullins.com)
David G. Traylor, Jr. (david.traylor@nelsonmullins.com)

Attorneys for Defendant Cleaver Brooks, Inc., Defendant Itt LLC, GG of Florida, Inc., Michelin Corporation and Michelin North America Inc.

A. Victor Rawl, Jr. (vrawl@grsm.com)

Attorney for Columbia Casualty Company, Continental Insurance Company and Liberty Mutual Insurance Company

Ashley K. Brathwaite (ashley.brathwaite@elliswinters.com)

Attorney for Defendant Covil Corporation and Standard Insulation Company of NC, Inc.

John K. Chandler (jchandler@rplegalgroup.com)

Attorney for Covil Corporation, Davis Mechanical Contractors Inc., and Heat & Frost Insulation Company

Christopher Rutledge Jones (crjlegal@gmail.com)

Attorney for Defendant Covil Corporation

Michael J. Anzelmo (manzelmo@mcguirewoods.com)
Sarah Beth Nielsen, Esquire (snielsen@mcguirewoods.com)
Jason A. Richardson, Esquire (jrichardson@mcguirewoods.com)

and

Courtney C. Shytle (cshytle@mcguirewoods.com)

Attorney for Defendant and Third-Party Plaintiff Davis Mechanical Contractors, Inc.

Brian M. Barnwell (BB@rplegalgroup.com)

Attorney for Defendant and Third-Party Plaintiff Davis Mechanical Contractors, Inc. and Heat and Frost Insulation Company, Inc.

Erin Elaine Shofner (eshofner@hpylaw.com)

Attorney for Eaton Corporation

Addie Katherine Silver Ries (aries@smithlaw.com)

Attorney for Ford Motor Company

Sheneka S. Lodenquai (shenekalodenquai@parkerpoe.com)

and

Taylor Joy Stewart (taylor.stewart@lewisbrisbois.com)

and

Jasmine Imani Whatley (Jasmine.Whatley@lewisbrisbois.com)

Attorneys for Genuine Parts Company

Matthew Douglas Patterson (matt.patterson@nelsonmullins.com)

James H. Burns (james.burns@nelsonmullins.com)

Attorneys for GG of Florida, Inc., Michelin Corporation, Michelin North America Inc. J & L Insulation, Pipe & Boiler Insulation Inc, Presnell Insulation Co Inc., and Wind Up Ltd

Michael Paul Stover (michael.stover@nelsonmullins.com)

Attorney Michelin Corporation and Michelin North America Inc.

Michael James Bogle (michael.bogle@wbd-us.com)

Attorney for Goodyear Tire & Rubber Company

Charles William Branham, III (tbranham@dobslegal.com)

Jonathan Marshall Holder (jholder@dobslegal.com)

and

John D. Kassel (jkassel@kassellaw.com)

Theile McVey (tmcvey@kassellaw.com)

Jamie Rae Rutkoski (jrutkoski@kassellaw.com)

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

Connor Jeffrey Hoy (connorhoy@parkerpoe.com)

Jenna Brook Kiziah McGee (jennamcgee@parkerpoe.com)

Paul Nicholas Nybo (nicknybo@parkerpoe.com)

and

Joseph Yechiel Shenkar (joe@shenkar-law.com)

Attorneys for Heat and Frost Insulation Company

Mark H. Wall (mark.wall@walltempleton.com)

Attorney for Metropolitan Life Insurance Company

Brandy Gillette Price (bprice@dmclaw.com)

Attorney for O'Reilly Automotive Stores Inc, Oreilly Auto Enterprises LLC

Jennifer Ann Jordan (jenny.jordan@nelsonmullins.com)

Erika Jensene Karnaszewski Fedelini (erika.fedelini@nelsonmullins.com)

Attorneys for Occidental Chemical Corporation

Luke M. Allen (luke.allen@arlaw.com)

Kirby Darr Shealy, III (Kirby.shealy@arlaw.com)

and

David Grant Harris II (dharris@goldbergsegalla.com)

Attorneys for Pennsylvania National Mutual Casualty Insurance

Abigail Caroline Bray (abray@turnerpadget.com)

Carmelo Barone Sammataro (ssammataro@turnerpadget.com)

Attorneys for Plenco and Plastics Engineering Company

Nicolas John Cherry (ncherry@foxrothschild.com)

Stephanie G. Flynn (sgflynn@foxrothschild.com)

Attorneys for Rockwell Automation Inc

Jessica Waller Laffitte (jlaffitte@gwblawfirm.com)

Attorney for Schneider Electric Usa Inc

James Guy Kennedy (jameskennedy@piercesloan.com)

Attorney for Southern Insulation Inc. and Defendant and Third-Party Plaintiff Davis Mechanical Contractors, Inc.

Andrew Shelby Rogers (asrogers@ewhlaw.com)

Jennifer M. Techman (jmttechman@ewhlaw.com)

Attorneys for Paramount Global. General Electric Company, and Spirax Sacro Inc.

Ashley Prickett Cuttino (Ashley.cuttino@odnss.com)

Steven Michael Nail (michael.nail@ogletreedeakins.com)

Attorneys for Springs Industries Inc and Springs Industries LLC

Carl Everette Pierce, II (carlpierce@piercesloan.com)
Benjamin Catlett Smoot, II (bensmoot@piercesloan.com)

Attorneys for Starr Davis Company Inc. and Starr Davis Company of SC Inc.

Allen Mattison Bogan (matt.bogan@nelsonmullins.com)
C. Mitchell Brown (mitch.brown@nelsonmullins.com)

Attorneys for J & L Insulation, Pipe & Boiler Insulation Inc, Presnell Insulation Co Inc., and Wind Up Ltd

Marghretta Hagood Shisko (mshisko@johnbwhitelaw.com)

and

Joel Anderson Berly, IV (jay.berly@butlersnow.com)
Robert Ernest Sumner, IV (robert.sumner@butlersnow.com)

Attorneys for Peter Protopapas, Receiver

s/Brandon R. Gottschall
Mark V. Gende, SC Bar No. 72835
Brandon R. Gottschall, SC Bar No. 100621
Daniel Q. Atkinson, SC Bar No. 105252
Sweeny Wingate & Barrow, P.A.
Post Office Box 12129
Columbia, South Carolina 29211
(803) 256-2233

*Attorneys for the Appellant, Third-Party Defendant
Republic Insurance Company, now known as Starr
Indemnity and Liability Company*

February 12, 2024