

**RECEIVED**

**Dec 18 2023**

**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

Appellate Case No. 2023-  
Circuit Court Case No. 2023-CP-40-01759

John A. Tibbs and Margaret B. Tibbs,..... Plaintiffs,

v.

3M Company; 4520 Corp., Inc.; A.O. Smith Corporation; A.W. Hesterton 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.; Bahnson, 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.; Lowserve Corporation; Flowserve US Inc.; Fluor Constructors International; Fluor Constructors International, Inc.; Fluor Daniel Services; Orporation 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,

<p>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 &amp; Cable LLC; Schneider Electric USA, Inc.; Sequoia Ventures Inc.; Spirax Sarco, Incl; 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 &amp; 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; and Zurn Industries, LLC, .....</p>	<p>Defendants,</p>
<p>Cape PLC, individually and as successor in interest to Cape Asbestos Company Limited, by and through its duly appointed Receiver Peter D. Protopapas, .....</p>	<p>Third-Party Plaintiff/ Respondent,</p>

v.

<p>Anglo American PLC, individually and as successor in interest to Anglo American Corporation of South Africa Ltd.; DeBeers PLC; DeBeers Centenary AG; DeBeers Consolidated Mines Ltd.; DeBeers S.A.; DeBeers UK Ltd.; DeBeers Jewelers US, Inc.; Angle American US Holdings Inc.; Element Six US Corp.; Element Six Technologies US Corp.; Element Six Technologies (OR) Corp.; First Mode Holdings, Inc.; Platinum Guild International (USA) Jewelry Inc.; Forevermark US Inc.; Anglo American Crop Nutrients (USA), LLC; Charter Consolidated Ltd.; ESAB Corporation; Central Mining &amp; Investment Corporation Ltd.; Cape Holdco Ltd.; The Law Debenture Corporation PLC; Cape Industrial Services Group Ltd.; Mohed Altrad; Altrad UK Ltd.; Cape UK Holdings Newco Ltd.; Altrad Services Ltd., f/k/a Cape Industrial Services Ltd.; Altrad Investment Authority SAS; Sparrows Offshore Group Ltd.; Hawk Bidco US Inc.; Arranco US, LLC; Sparrows Offshore, LLC; The Sparrows Group, LLC, .....</p>	<p>Third-Party Defendants,</p>
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of which

<p>ArranCo US, LLC; Hawk Bidco (US) Inc.; and Sparrows Offshore, LLC are the .....</p>	<p>Appellants.</p>
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NOTICE OF APPEAL

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Please take notice that ArranCo US, LLC, Hawk Bidco (US) Inc., and Sparrows Offshore, LLC appeal the order captioned “Order Denying Certain Third-Party Defendants’ Motions to Dissolve Receivership and Third-Party Defendants’ Motions to Dismiss for Lack of Personal Jurisdiction,” entered on December 6, 2023. This order is immediately appealable pursuant to South Carolina Code § 14-3-330(4) because, among other things, it specifically continues a receivership despite a motion to dissolve the receivership, it modifies the scope of the receivership in numerous ways, and it has the effect of granting a new receivership over a corporate entity that was never involved in the initial motion to create this receivership.

ArranCo US, LLC, Hawk Bidco (US) Inc., and Sparrows Offshore, LLC received written notice of entry of this order on December 6, 2023, making this notice timely. ArranCo US, LLC, Hawk Bidco (US) Inc., and Sparrows Offshore, LLC further state that all necessary transcripts for this appeal have been received from the appropriate court reporter.

*Signature Page Attached*

Respectfully submitted,

**RICHARDSON, PLOWDEN & ROBINSON, PA**

*/s/ Steven J. Pugh*

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Steven J. Pugh (S.C. Bar No. 14341)

Benjamin P. Carlton (S.C. Bar No. 101142)

Carmen V. Ganjehsani (S.C. Bar No. 73515)

Ashwin R. Sanzgiri (S.C. Bar No. 105198)

1900 Barnwell Street

Columbia, South Carolina 29201

Tel.: (803) 771-4400

[spugh@richardsonplowden.com](mailto:spugh@richardsonplowden.com)

[bcarlton@richardsonplowden.com](mailto:bcarlton@richardsonplowden.com)

[cganjehsani@richardsonplowden.com](mailto:cganjehsani@richardsonplowden.com)

[asanzgiri@richardsonplowden.com](mailto:asanzgiri@richardsonplowden.com)

*Attorneys for Third-Party Defendants ArranCo US,  
LLC, Hawk Bidco (US) Inc., and Sparrows Offshore,  
LLC*

December 18, 2023

Other Counsel of Record:

M. Todd Carroll  
todd.carroll@wbd-us.com  
Kevin A. Hall  
kevin.hall@wbd-us.com  
M. Elizabeth O'Neill  
elizabeth.oneill@wbd-us.com  
1221 Main Street, Suite 1600 Columbia, SC 29201  
(803) 454-6504

*Counsel for Mohed Altrad and Altrad Investment Authority SAS*

James H. Elliott, Jr.  
jelliott@richardsonplowden.com  
Cameron D. Berthelsen  
cberthelsen@richardsonplowden.com  
Richardson Plowden & Robinson, P.A.  
235 Magrath Darby Blvd., Ste. 100  
Mt. Pleasant, SC 29464  
t. 843.805.6550

Mary Rose Alexander  
mary.rose.alexander@lw.com  
Caitlin Dahl  
catilin.dahl@lw.com  
*Pro Hac Vice*  
Latham & Watkins LLP  
330 North Wabash Ave., Ste. 2800  
Chicago, IL 60611  
t. 312.876.7700

Michele D. Johnson  
michele.johnson@lw.com  
*Pro Hac Vice*  
Latham & Watkins LLP  
650 Town Center Drive, 20th Floor  
Costa Mesa, CA 92626-1925  
t. 714.540.1235

*Counsel for De Beers plc; Anglo American plc; De Beers Centenary AG; De Beers UK Limited;  
& De Beers Consolidated Mines Proprietary Limited*

A. Victor Rawl, Jr.  
vrawl@grsm.com  
Gordon Rees Scully Manshukhani, LLP  
40 Calhoun Street, Suite 350  
Charleston, SC 29407  
t. 843.714.2501

*Counsel for ESAB Corporation; Central Mining and Investment Corp., Ltd.; and Charter Consolidated Ltd.*

John T. Lay, Jr.  
jlay@gwblawfirm.com  
Gray T. Culbreath  
gculbreath@gwblawfirm.com  
Lindsay A. Joyner  
ljoyner@gwblawfirm.com  
Laura W. Jordan  
ljordan@gwblawfirm.com  
Eleanor L. Jones  
ejones@gwblawfirm.com  
Gallivan, White & Boyd, PA  
1201 Main Street, Suite 1200  
Columbia, SC 29201  
t. 803.779.1833

Jonathan M. Robinson  
jon@smithrobinsonlaw.com  
Shanon N. Peake  
shanonp@smithrobinsonlaw.com  
G. Murrell Smith, Jr.  
murrell@smithrobinsonlaw.com  
2530 Devine Street, Third Floor  
Columbia, SC 29205  
t. 803.254.5445

Troy S. Brown  
troy.brown@morganlawis.com  
Dana E. Becker  
dana.becker@morganlewis.com  
Brady Edwards  
brady.edwards@morganlewis.com  
Robert W. Jacques  
robert.jacques@morganlewis.com  
Paul A. Scrudato  
paul.scrudato@morganlewis.com  
Morgan Lewis & Bockius LLP

1701 Market Street  
Philadelphia, PA 19103  
t. 215.963.5000

*Counsel for the Receiver for Cape PLC*

Theile B. McVey (SC Bar No. 16682)  
tmcvey@kassellaw.com  
John D. Kassel (SC Bar No. 3286)  
jkassel@kassellaw.com  
Jamie D. Rutkoski (SC Bar No. 103270)  
jrutkoski@kassellaw.com  
KASSEL MCVEY ATTORNEYS AT LAW  
1330 Laurel Street  
Post Office Box 1476  
Columbia, South Carolina 29202-1476  
T: 803-256-4242

Charles William Branham, III  
[tbranham@dobslegal.com](mailto:tbranham@dobslegal.com)  
Kevin W. Paul  
[kpaul@dobslegal.com](mailto:kpaul@dobslegal.com)  
David Christopher Humen  
[dhumen@dobslegal.com](mailto:dhumen@dobslegal.com)  
DEAN OMAR BRANHAM SHIRLEY, LLP  
302 N. Market Street, Suite 300  
Dallas, TX 75202  
T: 214-722-5990  
F: 214-722-5991

*Attorneys for Plaintiffs*

Angela G. Strickland (SC Bar No. 73705)  
[Angela.strickland@bowmanandbrooke.com](mailto:Angela.strickland@bowmanandbrooke.com)  
Patrick J. Cleary (SC Bar No. 80808)  
[Patrick.cleary@bowmanandbrooke.com](mailto:Patrick.cleary@bowmanandbrooke.com)  
DeShawn H. Mitchell (SC Bar No. 101813)  
[Deshawn.Mitchell@bowmanandbrooke.com](mailto:Deshawn.Mitchell@bowmanandbrooke.com)  
BOWMAN AND BROOKE LLP  
1441 Main Street, Suite 1200  
Columbia, SC 29201  
Tel.: 803-726-7420  
Fax: 803-726-7421

*Attorneys for Defendants 3M Company f/k/a Minnesota Mining and Manufacturing Company;  
HPC Industrial Services, LLC and Brand Insulation Inc.*

William A. Coates (SC Bar No. 1289)  
[wac@roecassidy.com](mailto:wac@roecassidy.com)  
ROE CASSIDY COATES & PRICE, P.A.  
Post Office Box 10529  
Greenville, South Carolina 29603  
Tel.: (864) 349-2600

and

Christian J. Singewald, Esq. (Of Counsel)  
[SingewaldC@WhiteandWilliams.com](mailto:SingewaldC@WhiteandWilliams.com)  
WHITE AND WILLIAMS, LLP  
Courthouse Square  
600 North King Street, Suite 800  
Wilmington, Delaware 19801-3722

*Attorneys for Defendant 4520 Corp., Inc., as successor-in-interest to Benjamin F. Shaw Company*

M. Elizabeth Jowers (SC Bar No. 68288)  
[bjowers@maynardnexsen.com](mailto:bjowers@maynardnexsen.com)  
Kelly Jones (SC Bar No. 74732)  
[kjones@maynardnexsen.com](mailto:kjones@maynardnexsen.com)  
MAYNARD NEXSEN PRUET PC  
205 King Street, Suite 400  
Charleston, SC 29401  
Tel: (843) 577-9440  
Fax: (843) 720-1777

*Attorneys for Defendant sued as General Boiler Casing Company, Inc.; and Piedmont Insulation Company, Inc.*

Krista M. McGuire (SC Bar No. 72021)  
[kristamcguire@parkerpoe.com](mailto:kristamcguire@parkerpoe.com)  
PARKER POE ADAMS & BERNSTEIN LLP  
850 Morrison Drive, Suite 400  
Charleston, SC 29403  
(843) 727- 2650 (Office)

*Attorneys for Defendant Mine Safety Appliances Company, LLC*

Jennifer M. Techman SC State Bar No. 70202  
[JMTechman@EWHlaw.com](mailto:JMTechman@EWHlaw.com)  
Andrew S. Rogers SC State Bar No. 75804  
[ASRogers@EWHlaw.com](mailto:ASRogers@EWHlaw.com)  
EVERT WEATHERSBY HOUFF

3455 Peachtree Road NE, Suite 1550  
Atlanta, GA 30326  
Tel: (678) 651-1200

*Attorneys for Defendants Paramount Global f/k/a ViacomCBS Inc., General Electric Company; Spirax Sarco, Inc.; Copes Vulcan, Inc.; A.W. Chesterton Company; and Foster Wheeler Energy Corporation*

William Early (SC Bar No. 15657)  
[willearly@piercesloan.com](mailto:willearly@piercesloan.com)  
PIERCE SLOAN KENNEDY & EARLY LLC  
The Blake-Grimké House  
321 East Bay Street  
Post Office Box 22437  
Charleston, South Carolina 29413  
PH: (843) 722-7733  
Fax: (843) 722-7732

*Attorneys for Defendants ABB, Inc.; Vistra Intermediate Company LLC; Riley Power, Inc.; Howden North America*

Carl E. Pierce, II (SC Bar No. 7946)  
[carlpierce@piercesloan.com](mailto:carlpierce@piercesloan.com)  
Benjamin Catlett Smoot, II (SC Bar No. 101372)  
[bensmoot@piercesloan.com](mailto:bensmoot@piercesloan.com)  
PIERCE SLOAN KENNEDY & EARLY LLC  
The Blake-Grimké House  
321 East Bay Street  
Post Office Box 22437  
Charleston, South Carolina 29413  
PH: (843) 722-7733  
Fax: (843) 722-7732

*Attorneys for Defendants Great Barrier Insulation Co.; CB&I Laurens Inc.; Starr Davis Company of SC; and Starr Davis Company, Inc.*

Joseph E. Thoensen (SC Bar #72563)  
[jthoensen@richardsonplowden.com](mailto:jthoensen@richardsonplowden.com)  
R. Wilder Harte (SC Bar # 101228)  
[wharte@richardsonplowden.com](mailto:wharte@richardsonplowden.com)  
Megan C. White (SC Bar # 101895)  
[mwhite@richardsonplowden.com](mailto:mwhite@richardsonplowden.com)  
RICHARDSON PLOWDEN & ROBINSON, P.A.  
1900 Barnwell Street (29201)  
Post Office Drawer 7788  
Columbia, South Carolina 29202

(803) 771-4400

*Attorneys for Defendants BW/IP; AECOM Energy & Construction, Inc.; Yeargin Construction Company, Inc.; ArranCo US, LLC; Hawk Bidco (US) Inc.; and Sparrows Offshore, LLC*

Stephanie G. Flynn (SC Bar No. 16653)

[sgflynn@FoxRothschild.com](mailto:sgflynn@FoxRothschild.com)

Nicolas J. Cherry (SC Bar No. 102671)

[ncherry@FoxRothschild.com](mailto:ncherry@FoxRothschild.com)

Allyson R. Twilley (SC Bar No. 101884)

[atwilley@FoxRothschild.com](mailto:atwilley@FoxRothschild.com)

FOX ROTHSCCHILD LLP

2 W. Washington St., Ste. 1100

PO Box 87, Greenville, SC 29602

864-751-7607/FAX 864-751-7800

*Attorneys for Defendants Armstrong International, Inc.; Gardner Denver Nash LLC; Viking Pump, Inc.; Joy Global Underground Mining LLC; Rockwell Automation Inc.; and RSCC Wire & Cable LLC*

Stephen L. Brown (SC Bar No. 66468)

[sbrown@ycrlaw.com](mailto:sbrown@ycrlaw.com)

James D. Gandy, III (SC Bar No. 11925)

[tgandy@ycrlaw.com](mailto:tgandy@ycrlaw.com)

Stephen A. Griffith (SC Bar No.: 103744)

[sgriffith@ycrlaw.com](mailto:sgriffith@ycrlaw.com)

CLEMENT RIVERS, LLP

P.O. Box 993, Charleston, SC 29402

Telephone: (843) 720-5488

Facsimile: (843) 579-1369

*Attorneys for Defendants Asbestos Corporation Limited and Atlas Turner, Inc.*

George L. Inabinet, Jr., Esq. (SC Bar No. 16575)

[bi@maronmarvel.com](mailto:bi@maronmarvel.com)

Casey L. Austin, Esq. (SC Bar No. 101998)

[cla@maronmarvel.com](mailto:cla@maronmarvel.com)

Kelly L. Near, Esq. (SC Bar No. 75239)

[Kln@maronmarvel.com](mailto:Kln@maronmarvel.com)

MARON MARVEL BRADLEY ANDERSON & TARDY LLC

259 Seven Farms, Suite 300

Charleston, SC 29492

PH: (843) 727-0001

Fax: (843) 727-0003

*Attorneys for Defendants Consolidated Electrical Distributors*

Derrick C. Foard (SC Bar No. 105062)  
[derrick.foard@elliswinters.com](mailto:derrick.foard@elliswinters.com)  
Ashley K. Brathwaite (SC Bar No. 76952)  
[ashley.brathwaite@elliswinters.com](mailto:ashley.brathwaite@elliswinters.com)  
ELLIS & WINTERS LLP  
P.O. Box 2752  
Greensboro, North Carolina 27402  
Telephone: (336) 217-4193  
Facsimile: (336) 217-4198  
Telephone: (919) 865-7000  
Facsimile: (919) 865-7010

*Counsel for Defendants Beaty Investments, Inc f/k/a Guy M. Beaty & Co.; Covil Corporation;  
and Standard Insulation Company of North Carolina, Inc.*

Amy H. Geddes (SC Bar No. 16960)  
[AGeddes@maynardnexsen.com](mailto:AGeddes@maynardnexsen.com)  
MAYNARD NEXSEN, PC  
1230 Main Street, Suite 700 (29201)  
Post Office Drawer 2426  
Columbia, SC 29202  
Telephone: 803.771.8900

*Attorneys for Defendants Bechtel Corporation, Sequoia Ventures, Inc.*

Brian M. Barnwell (S.C. Bar # 78249)  
[bb@rplegalgroup.com](mailto:bb@rplegalgroup.com)  
RIKARD & PROTOPAPAS, LLC  
2110 N. Beltline Blvd. PO Box 5640  
Columbia, SC 29204  
Phone: 803.978.6111

*Attorneys for the Receiver of Beaty Investments, Inc.*

Robert O. Meriwether SC Bar No. 0009828  
[robert.meriwether@cs-law.com](mailto:robert.meriwether@cs-law.com)  
Telephone: (803) 529-1783  
James B. Glenn SC Bar No. 0077731  
[jase.glenn@cs-law.com](mailto:jase.glenn@cs-law.com)  
Telephone: (803) 529-1782  
COSMICH SIMMONS & BROWN, PLLC  
701 Gervais Street, Ste 150, #109  
Columbia, SC 29201  
[sc-asbestos@cs-law.com](mailto:sc-asbestos@cs-law.com)

*Attorneys for Defendants Carboline Company; Cleaver-Brooks, Inc.; Gould Electronics Inc.; Goulds Pumps LLC; Grinnell LLC; ITT LLC; Carrier Corporation; York International Corporation; and Zurn Industries, LLC*

Taylor J. Stewart (SC Bar No. 101974)  
[Taylor.Stewart@lewisbrisbois.com](mailto:Taylor.Stewart@lewisbrisbois.com)  
LEWIS BRISBOIS BISGAARD SMITH LLP  
24 Drayton Street Suite 300  
Savannah, GA 31401  
Tel: (912) 525-4960

and

S. Christopher Collier (GA Bar No. 178307)  
[Chris.Collier@lewisbrisbois.com](mailto:Chris.Collier@lewisbrisbois.com)  
LEWIS BRISBOIS BISGAARD SMITH LLP  
600 Peachtree Street, NE Suite 4700  
Atlanta, Georgia 30308 Telephone:  
(404) 348-8585  
Fax: (404)467-8845

*Attorneys for Defendants DeZurik, Inc.; General Cable Industries, Inc., and General Cable Corporation*

E. Elaine Shofner (SC Bar No. 100501)  
[eshofner@hpylaw.com](mailto:eshofner@hpylaw.com)  
HAWKINS PARNELL & YOUNG LLP  
303 Peachtree Street, NE Suite 4000  
Atlanta, Georgia 30308  
Telephone: (404) 614-7400  
Fax: (404) 614-7500

*Attorney for Defendant Eaton Corporation*

M. Elizabeth O'Neill (SC Bar No. 104013)  
[Elizabeth.ONeill@wbd-us.com](mailto:Elizabeth.ONeill@wbd-us.com)  
[WBD.SCAsbestos@wbd-us.com](mailto:WBD.SCAsbestos@wbd-us.com)  
WOMBLE BOND DICKINSON (US) LLP  
One Wells Fargo Center  
301 S. College Street, Suite 3500  
Charlotte, North Carolina 28202-6037  
Ph.: (704) 350-6310

*Attorneys for Defendants Flowserve Corporation, f/k/a The Duriron Company, Inc.; Emerson Electric Co.; Fisher Controls International LLC; ASCO, L.P.; and Kinney Vacuum Pump Company*

J. Michael Montgomery (SC Bar No. 74930)  
[mmontgomery@robinsongray.com](mailto:mmontgomery@robinsongray.com)  
Rachel M. Hutchens (SC Bar No. 78303)  
[rhutchens@robinsongray.com](mailto:rhutchens@robinsongray.com)  
ROBINSON GRAY STEPP & LAFFITTE, LLC  
1310 Gadsden Street  
Post Office Box 11449  
Columbia, South Carolina 29211  
(803) 929-1400

*Attorneys for Defendants Flowserve US Inc., solely as successor to Edward Valves, Inc. and Rockwell Manufacturing, Individually, and as successor in interest to Allen Bradley Company LLC*

W. David Conner (SC Bar No. 66358)  
[dconner@hsblawfirm.com](mailto:dconner@hsblawfirm.com)  
Scott E. Frick (SC Bar No. 68306)  
[sfrick@hsblawfirm.com](mailto:sfrick@hsblawfirm.com)  
HAYNSWORTH SINKLER BOYD, P.A.  
Post Office Box 2048  
Greenville, SC 29602  
(864) 240-3200 – phone  
(864) 240-3300 – fax

*Attorneys for Defendants Fluor Enterprises, Inc.; Fluor Daniel Services Corporation; Defendant Fluor Constructors International, Inc., on behalf of itself and the incorrectly named Defendant Fluor Constructors International, f/k/a Fluor Corporation; Daniel International Corporation; FMC Corporation, Sterling Fluid Systems USA LLC; Patterson Pump Company; and Union Carbide Corporation*

Andrew G. Melling (S.C. Bar No. 9521)  
[amelling@burr.com](mailto:amelling@burr.com)  
BURR & FORMAN LLP  
P.O. Box 11390  
Columbia, SC 29211  
(803) 799-9800

*Attorneys for Defendant Stafford Insulation Company*

Mark H. Wall, Esq.  
[Mark.Wall@WallTempleton.com](mailto:Mark.Wall@WallTempleton.com)  
WALL TEMPLETON & HALDRUP, P.A.  
145 King Street, Suite 300 (29401)  
Post Office Box 1200  
Charleston, SC 29402

Tel.: (843) 329-9500  
Fax: (843) 329-9501

*Attorneys for Defendant Metropolitan Life Insurance Company a/k/a Metlife*

Jennifer A. Jordan (SC Bar No. 066222)  
[jenny.jordan@nelsonmullins.com](mailto:jenny.jordan@nelsonmullins.com)  
Erika Karnaszewski Fedelini (SC Bar No. 101774)  
[erika.fedelini@nelsonmullins.com](mailto:erika.fedelini@nelsonmullins.com)  
NELSON MULLINS RILEY & SCARBOROUGH LLP  
151 Meeting Street / Sixth Floor  
Post Office Box 1806 (29402-1806)  
Charleston, SC 29401-2239  
(843) 853-5200

and

John S. Slosson (SC Bar No. 69589)  
[jack.slosson@nelsonmullins.com](mailto:jack.slosson@nelsonmullins.com)  
301 South College Street / 23rd Floor  
Charlotte, NC 28202-6041  
(704) 417-3000

*Attorneys for Defendant Occidental Chemical Corporation*

Matthew D. Patterson (S.C. Bar No. 68316)  
[matt.patterson@nelsonmullins.com](mailto:matt.patterson@nelsonmullins.com)  
James H. Burns (S.C. Bar No. 70313)  
[james.burns@nelsonmullins.com](mailto:james.burns@nelsonmullins.com)  
Michael P. Stover (S.C. Bar No. 104757)  
[michael.stover@nelsonmullins.com](mailto:michael.stover@nelsonmullins.com)  
NELSON MULLINS RILEY & SCARBOROUGH LLP  
1320 Main Street / 17th Floor  
Post Office Box 11070 (29211-1070)  
Columbia, SC 29201  
(803) 799-2000

G. Mark Phillips (S.C. Bar No. 7945)  
[mark.phillips@nelsonmullins.com](mailto:mark.phillips@nelsonmullins.com)  
NELSON MULLINS RILEY & SCARBOROUGH LLP  
151 Meeting Street / Sixth Floor  
Post Office Box 1806 (29402-1806)  
Charleston, SC 29401-2239 (843) 853-5200

*Attorneys for Defendants Anchor Darling Valve Company; Carboline Company; Zurn Industries LLC; Hajoca Corporation; Cleaver-Brooks, Inc.; Grinnell LLC; Goulds Pumps LLC; The*

*William Powell Company; ITT LLC; Valves and Controls USA, Air & Liquid Systems Corporation; Weir Valves & Controls USA, Inc.; and Barretts Minerals Inc.*

James G. Kennedy ([jameskennedy@piercesloan.com](mailto:jameskennedy@piercesloan.com))  
PIERCE SLOAN KENNEDY & EARLY LLC  
The Blake-Grimké House  
321 East Bay Street  
Post Office Box 22437  
Charleston, South Carolina 29413  
PH: (843) 722-7733  
Fax: (843) 722-7732

*Attorneys for Defendants Flame Refractories Inc. and Davis Mechanical Contractors, Inc.*

Stephen M. Kozick, Esq. ([skoziack@kernodlelaw.com](mailto:skoziack@kernodlelaw.com))  
KERNODLE COLEMAN  
914 Folly Road, Suite G (29412)  
P. O. Box 13897  
Charleston, SC 29422  
Tel.: (843) 795-7800  
Fax: (843) 795-3032

*Attorneys for Defendants Crane Instrumentation & Sampling, Inc., f/k/a CIRCOR Instrumentation Technologies, Inc., f/k/a Hoke, Inc.*

Carmelo B. Sammataro ([SSammataro@TurnerPadget.com](mailto:SSammataro@TurnerPadget.com))  
Abigail C. Bray ([ABray@TurnerPadget.com](mailto:ABray@TurnerPadget.com))  
TURNER PADGET GRAHAM AND LANEY P.A.  
Post Office Box 1473  
Columbia, SC 29202  
Phone: (803) 254-2200  
Fax: (803) 799-3957

*Attorneys for Defendant PECW Holding Company, f/k/a as Plastics Engineering Company d/b/a PLENCO*

Tara C. Sullivan ([tara.sullivan@klgates.com](mailto:tara.sullivan@klgates.com))  
K&L GATES LLP  
134 Meeting Street, Suite 500  
Charleston, SC 29401  
Telephone: 843.579.5600  
Facsimile: 843.579.5601

*Attorney for Defendant Redco Corporation f/k/a Crane Co.*

David G. Harris II ([dharris@goldbergsegalla.com](mailto:dharris@goldbergsegalla.com))

Brady Yntema ([byntema@goldbergsegall.com](mailto:byntema@goldbergsegall.com))  
GOLDBERG SEGALLA LLP  
701 Green Valley Road, Suite 310  
Greensboro, NC 27408  
Telephone: 336.419.4900

And

Kirby D. Shealy III ([Kirby.shealy@arlaw.com](mailto:Kirby.shealy@arlaw.com))  
Luke M. Allen ([Luke.allen@arlaw.com](mailto:Luke.allen@arlaw.com))  
ADAMS AND REESE LLP  
1221 Main Street, Suite 1200  
Columbia, SC 29201  
Telephone: (803) 254-4190  
Facsimile: (803) 779-4749

*Attorneys for Third-Party Defendant Pennsylvania National Mutual Insurance Company*

Jessica W. Laffitte ([jlaffitte@gwblawfirm.com](mailto:jlaffitte@gwblawfirm.com))  
GALLIVAN, WHITE & BOYD, P.A.  
PO Box 7368  
Columbia, SC 29202-7368  
(803) 779-1833 Ofc

*Attorney for Defendant Schneider Electric USA, Inc. f/k/a Square D Company*

Louis P. Hems ([louis@milliganlawfirm.com](mailto:louis@milliganlawfirm.com))  
MILLIGAN & HERNS, PC  
721 Long Point Road, Suite 401  
Mt. Pleasant, SC 29464  
PH: (843) 971-6750  
Fax: (843) 971-6509

*Attorney for Defendant A.O. Smith Corporation*

Francis J. Gordon ([fgordon@mgsattorneys.com](mailto:fgordon@mgsattorneys.com))  
MILLBERG GORDON STEWART PLLC  
1101 Haynes Street, Suite 104  
Raleigh, NC 27604  
T: 919/ 836.0090  
F: 919/ 836.8027

*Attorneys for Defendant Canvas CT, LLC f/k/a SPX Cooling Technologies, LLC, f/k/a SPX Cooling Technologies, Inc., f/k/a The Marley Cooling Tower Company*

C. Mitchell Brown  
[mitch.brown@nelsonmullins.com](mailto:mitch.brown@nelsonmullins.com)

Matthew D. Patterson

[matt.patterson@nelsonmullins.com](mailto:matt.patterson@nelsonmullins.com)

James H. Burns (SC Bar No. 70313)

[james.burns@nelsonmullins.com](mailto:james.burns@nelsonmullins.com)

A. Mattison Bogan SC Bar No. 72629

[matt.bogan@nelsonmullins.com](mailto:matt.bogan@nelsonmullins.com)

NELSON MULLINS RILEY & SCARBOROUGH LLP

1320 Main Street / 17th Floor

Post Office Box 11070 (29211-1070)

Columbia, SC 29201

(803) 799-2000

*Attorneys for Defendant Wind Up, Ltd. f/k/a Pipe & Boiler Insulation, Inc.; Pfizer, Inc.; Presnell Insulation Co., Inc.*

David M. Burkoff (SC Bar No. 100339)

HUNTER, MACLEAN, EXLEY & DUNN, P.C.

200 East Saint Julian Street

Post Office Box 9848

Savannah, Georgia 31412-0048

Telephone: 912.236.0261

Facsimile: 912.236.4936

*Attorney for Defendant AWT Air Company, Inc. f/k/a Research-Cottrell, Inc.*

**RECEIVED**

**Dec 18 2023**

**SC Court of Appeals**

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CERTIFICATE OF SERVICE

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I, the undersigned of Richardson, Plowden & Robinson, PA, attorneys for Appellants ArranCo US, LLC, Hawk Bidco (US) Inc., and Sparrows Offshore, LLC, do hereby certify that I have served all parties to this appeal with a copy of the pleading(s) specific below by emailing them at the addresses below:

Pleading(s): Notice of Appeal

Parties Served:

John T. Lay, Jr. (jlay@gwblawfirm.com)  
Gray T. Culbreath (gculbreath@gwblawfirm.com)  
Lindsay A. Joyner (ljoyner@gwblawfirm.com)  
Laura W. Jordan (ljordan@gwblawfirm.com)  
Eleanor L. Jones (ejones@gwblawfirm.com)  
Jonathan M. Robinson (jon@smithrobinsonlaw.com)  
Shanon N. Peake (shanonp@smithrobinsonlaw.com)  
G. Murrell Smith, Jr. (murrell@smithrobinsonlaw.com)  
Troy S. Brown (troy.brown@morganlawis.com)  
Dana E. Becker (dana.becker@morganlewis.com)  
Brady Edwards (brady.edwards@morganlewis.com)  
Robert W. Jacques (robert.jacques@morganlewis.com)  
Paul A. Scrudato (paul.scrudato@morganlewis.com)

*Counsel for the Receiver for Cape PLC*

Theile B. McVey (tmcvey@kassellaw.com)  
John D. Kassel (jkassel@kassellaw.com)  
Jamie D. Rutkoski (jrutkoski@kassellaw.com)  
Charles William Branham, III (tbranham@dobslegal.com)  
Kevin W. Paul (kpaul@dobslegal.com)  
David Christopher Humen (dhumen@dobslegal.com)

*Attorneys for Plaintiffs*

By: /s/ Benjamin P. Carlton


December 18, 2023

**From:** [Ben Carlton](#)  
**To:** [Yingling, Donna](#); [John T. Lay](#); [Gray Culbreath](#); [ljoyner@gwblawfirm.com](#); [ljordan@gwblawfirm.com](#); [ejones@gwblawfirm.com](#); [Jon Robinson](#); [shanonp@smithrobinsonlaw.com](#); [murrell@smithrobinsonlaw.com](#); [Brown, Troy S.](#); [dana.becker@morganlewis.com](#); [brady.edwards@morganlewis.com](#); [Jacques, Robert](#); [paul.scrudato@morganlewis.com](#); [Theile McVey](#); [jkassel@kassellaw.com](#); [jrutkoski@kassellaw.com](#); [tbranham@dobslegal.com](#); [kpaul@dobslegal.com](#); [David Humen](#); [O'Neill, Elizabeth](#); [Hall, Kevin](#); [Steve Pugh](#); [vrawl@grsm.com](#); [James Elliott](#); [Cameron Berthelsen](#); [mary.rose.alexander@lw.com](#); [caitlin.dahl@lw.com](#); [michele.johnson@lw.com](#); [Carroll, Todd](#)  
**Cc:** [Charity McQueen](#)  
**Subject:** 2023-CP-40-01759 – Tibbs v. 3M Company, et al. – Notice of Appeal of ArranCo US, LLC, Hawk Bidco (US) Inc., and Sparrows Offshore, LLC  
**Date:** Monday, December 18, 2023 8:41:08 PM  
**Attachments:** [Notice of Appeal - Tibbs v. 3M et al. \(2023-CP-40-01759\) \(Sparrows Defendants\) 12-18-2023.pdf](#)

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Pursuant to the Supreme Court's Order, dated May 6, 2022, please find served upon you the attached Notice of Appeal on behalf of Appellants ArranCo US, LLC, Hawk Bidco (US) Inc., and Sparrows Offshore, LLC.

Thank you,  
Benjamin P. Carlton

<a href="#">HOME</a>	<a href="#">VCARD</a>	<a href="#">LOCATION</a>
		<b>Benjamin P. Carlton</b> Attorney at Law <a href="mailto:BCarlton@RichardsonPlowden.com">BCarlton@RichardsonPlowden.com</a>
		<b>Richardson Plowden &amp; Robinson,</b> P.A. 1900 Barnwell Street Columbia, SC 29201 Tel: 803.253.8687 Fax: 803.779.0016 <a href="http://www.RichardsonPlowden.com">www.RichardsonPlowden.com</a>

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COLUMBIA P.O. Drawer 7788 • Columbia, SC 29202  
1900 Barnwell St., Columbia, SC 29201 P 803-771-4400 F 803-779-0016

MYRTLE BEACH 2103 Farlow St., Suite B, Myrtle Beach, SC 29577 P 843-448-1008 F 843-448-1533

CHARLESTON P.O. Box 21203 • Charleston, SC 29413  
235 Magrath Darby Blvd, Mt. Pleasant, SC 29464 P 843-805-6550 F 843-805-6599

[www.RichardsonPlowden.com](http://www.RichardsonPlowden.com)

**REPLY TO: Columbia**

E-Mail: [spugh@richardsonplowden.com](mailto:spugh@richardsonplowden.com)

Direct Dial: (803) 576-3721

December 18, 2023

**Via hand delivery and e-mail (ctappfilings@sccourts.org)**

The Honorable Jenny Abbott Kitchings  
Clerk of Court, S.C. Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

RE: *Tibbs v. 3M Company, et al.*  
Civil Action No.: 2023-CP-40-01759

Dear Ms. Kitchings:

Enclosed for filing is the Notice of Appeal of the Appellants, ArranCo US, LLC, Hawk Bidco (US) Inc., and Sparrows Offshore, LLC, in the above-referenced case, along with a copy of the "Order Denying Certain Third-Party Defendants' Motions to Dissolve Receivership and Third-Party Defendants' Motions to Dismiss for Lack of Personal Jurisdiction," entered on December 6, 2023, appealed from and our Certificate of Service. We have filed this Notice of Appeal electronically with the Court of Appeals, via e-mail at [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org), pursuant to Section (b)(2) of the Supreme Court's Order, dated May 6, 2022.

Enclosed with a copy of this correspondence to be hand-delivered tomorrow, December 19, 2023, is our Firm's check in the amount of \$250.00 for the filing fee in this matter.

We are serving this Notice of Appeal on the Clerk of Court for Richland County using the South Carolina Courts E-Filing System and via e-mail on all counsel of record pursuant to Section (d)(1) of the Supreme Court's Order, dated May 6, 2022.

Should you have any questions regarding this matter, please do not hesitate to call.

Sincerely,

A handwritten signature in blue ink, appearing to read "SJPugh".

Steven J. Pugh

SJP:cam  
Enclosures