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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 & 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 & 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 & 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>Anglo American plc, De Beers plc, De Beers Centenary AG, De Beers Consolidated Mines Proprietary Limited, and De Beers UK Limited are the</p>	<p>Appellants.</p>
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NOTICE OF APPEAL

Please take notice that Anglo American plc, De Beers plc, De Beers Centenary AG, De Beers Consolidated Mines Proprietary Limited, and De Beers UK Limited 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.

Anglo American plc, De Beers plc, De Beers Centenary AG, De Beers Consolidated Mines Proprietary Limited, and De Beers UK Limited received written notice of entry of this order on December 6, 2023, making this notice timely. Anglo American plc, De Beers plc, De Beers Centenary AG, De Beers Consolidated Mines Proprietary Limited, and De Beers UK Limited further state that all necessary transcripts for this appeal have been received from the appropriate court reporter.

Signature Page Attached

Respectfully submitted,

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Dec 18 2023

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I, the undersigned employee of Richardson, Plowden & Robinson, PA, attorneys for Appellants Anglo American plc, De Beers plc, De Beers Centenary AG, De Beers Consolidated Mines Proprietary Limited, and De Beers UK Limited, 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:

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Attorneys for Plaintiffs

By: /s/ Helen Elliott

December 18, 2023

Helen Elliott

From: Helen Elliott
Sent: Monday, December 18, 2023 9:34 PM
To: jlay@gwblawfirm.com; gculbreath@gwblawfirm.com; ljoyner@gwblawfirm.com; ljordan@gwblawfirm.com; ejones@gwblawfirm.com; jon@smithrobinsonlaw.com; shanonp@smithrobinsonlaw.com; murrell@smithrobinsonlaw.com; troy.brown@morganlawis.com; dana.becker@morganlewis.com; brady.edwards@morganlewis.com; robert.jacques@morganlewis.com; paul.scrudato@morganlewis.com; tmcvey@kassellaw.com; jkassel@kassellaw.com; jrutkoski@kassellaw.com; tbranham@dobslegal.com; kpaul@dobslegal.com; dhumen@dobslegal.com; Elizabeth.ONeill@wbd-us.com; kevin.hall@wbd-us.com; Steve Pugh; Ben Carlton; vrawl@grsm.com; MARY.ROSE.ALEXANDER@lw.com; caitlin.dahl@lw.com; michele.johnson@lw.com; Todd.carroll@wbd-us.com
Cc: James Elliott; Cameron Berthelsen; Marcy Dalton; Helen Elliott
Subject: 2023-CP-40-01759- Tibbs v. 3M Company, et al.- Notice of Appeal of Anglo American plc, De Beers plc, De Beers UK Limited, De Beers Centenary AG, De Beers Consolidated Mines Proprietary, Ltd.
Attachments: Notice of Appeal (AA DB Non-US Entities) (12-18-2023)(147150978.1).pdf

Counsel,

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 Anglo American plc, De Beers plc, De Beers UK Limited, De Beers Centenary AG, and De Beers Consolidated Mines Proprietary, Ltd.

Thank you,

Helen Elliott

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		<p>Helen Elliott Paralegal to James H. Elliott, Jr., Shareholder helliott@RichardsonPlowden.com Richardson Plowden & Robinson, P.A. 235 Magrath Darby Blvd., Suite 100 Mount Pleasant, SC 29464 P.O. Box 21203, Charleston, SC 29413 Tel: 843.805.6550 Fax: 843.805.6599 www.RichardsonPlowden.com</p>



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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, Anglo American PLC, De Beers PLC, De Beers Centenary AG, De Beers Consolidated Mines Ltd., and De Beers UK Ltd. 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, 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 'James H. Elliott, Jr.', written over a blue circular stamp or watermark.

James H. Elliott, Jr.

JHE

Enclosures