

RECEIVED

Feb 22 2024

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

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.; 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.; 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,

and

Cape PLC, individually and as successor in interest to Cape Asbestos Company Limited, by and through its duly appointed Receiver Peter D. Protopapas,

Third-Party Plaintiff, Respondent

v.

Anglo American PLC, individually and as successor in interest to Anglo American Corporation of South Africa LTD., De Beers PLC, individually and as successor in interest to De Beers S.A., De Beers Centenary AG, De Beers Consolidated Mines Ltd., n/k/a De Beers Consolidated Mines Proprietary Ltd., De Beers UK Ltd., De Beers Jewellers LTD., De Beers Jewellers US, Inc., Anglo 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 (U.S.A.) Jewelry Inc., Lightbox Jewelry Inc., Forevermark US Inc., Anglo American Crop Nutrients (U.S.A.) 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 S.A.S., Sparrows Offshore Group Ltd., Hawk Bidco US Inc., ArranCo US, LLC, Sparrows Offshore, LLC, and The Sparrows Group, LLC,

Third-Party Defendants,

Of which Mohed Altrad, Altrad Investment Authority S.A.S., ArranCo US, LLC, Hawk Bidco US Inc., Sparrows Offshore, LLC, Anglo American PLC, De Beers, PLC, De Beers Centenary AG, De Beers Consolidated Mines Proprietary Ltd., De Beers UK Ltd., ESAB Corporation, Charter Consolidated Ltd., and Central Mining & Investment Corporation Ltd., are

Appellants.

PROOF OF SERVICE

CLEMENT RIVERS, LLP
Stephen L. Brown (SC Bar No. 66468)
Russell G. Hines (SC Bar No. 72100)
James D. Gandy, III (SC Bar No. 11925)
Graydon V. Olive, IV (SC Bar No. 105319)
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
(843) 720-5488
*Attorneys for Appellant Asbestos
Corporation Limited*

I, Stephen L. Brown, of Clement Rivers, LLP, attorneys for Appellants, hereby certify that **INITIAL BRIEF OF APPELLANT ASBESTOS CORPORATION LIMITED** and **DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** were served on all other parties to this appeal on February 22, 2024, via email (see attached) to their following counsel of record:

Theile B. McVey
tmcvey@kassellaw.com
Jamie D. Rutkoski
jrutkoski@kassellaw.com
KASSEL MCVEY ATTORNEYS AT LAW
1330 Laurel Street
Post Office Box 1476
Columbia, South Carolina, 29202-1476

and

Charles W. Branham, III
tbranham@dobslegal.com
Aaron D. Chapman
achapman@dobslegal.com
David C. Humen
dhumen@dobslegal.com
Ka'Leya Q. Hardin
khardin@dobslegal.com
Todd Barnes
tbarnes@dobslegal.com
DEAN OMAR BRANHAM SHIRLEY, LLP
302 N. Market Street, Suite 300
Dallas, Texas 75202

Attorneys for Respondents John A. Tibbs and Margaret B. Tibbs

Peter D. Protopapas
pdp@rplegalgroup.com
John K. Chandler
jchandler@rplegalgroup.com
Brian M. Barnwell
bb@rplegalgroup.com
RIKARD & PROTOPAPAS, LLC
2110 N. Beltline Blvd, Columbia, SC 29204
PO Box 5640, Columbia, SC 29250

Purported receiver for "insurance assets" of Asbestos Corporation Limited per Order being appealed

Matthew Todd Carroll
todd.carroll@wbd-us.com

Kevin A. Hall
kevin.hall@wbd-us.com

WOMBLE BOND DICKINSON (US) LLP
1221 Main Street, Suite 1600
Columbia, SC 29201

and

Mary Elizabeth O'Neill
elizabeth.oneill@wbd-us.com

WOMBLE BOND DICKINSON (US) LLP
301 South College Street, Suite 3500
Charlotte, NC 28202

Attorneys for Altrad Investment Authority S.A.S.; and Mohed Altrad

James H. Elliott, Jr.
jelliott@richardsonplowden.com

Cameron D. Berthelsen
cberthelsen@richardsonplowden.com

RICHARDSON PLOWDEN & ROBINSON, PA
235 Magrath Darby Blvd, Suite 100
Mount Pleasant, SC 29464

*Attorneys for Anglo American PLC; De Beers Centenary AG; De Beers Consolidated Mines
Proprietary Ltd.; De Beers UK Ltd.; and De Beers, PLC*

Steven James Pugh
spugh@richardsonplowden.com

Benjamin P. Carlton
bcarlton@richardsonplowden.com

Carmen V. Ganjehsani
cganjehsani@richardsonplowden.com

Ashwin R. Sanzgiri
asanzgiri@richardsonplowden.com

RICHARDSON PLOWDEN & ROBINSON, PA
1900 Barnwell Street
Columbia, SC 29201

Attorneys for ArranCo US, LLC; Hawk Bidco US Inc.; and Sparrows Offshore, LLC;

A. Victor Rawl, Jr.
vrawl@grsm.com
GORDON & REES LLP
677 King Street, Suite 450
Charleston, Sc 29403
*Attorney for Central Mining & Investment Corporation Ltd.; Charter Consolidated Ltd.; and
ESAB Corporation*

Shanon N. Peake
shanonp@smithrobinsonlaw.com
Jonathan M. Robinson
jon@smithrobinsonlaw.com
SMITH ROBINSON HOLLER DUBOSE MORGAN, LLC
2530 Devine Street
Columbia, SC 29205

and

G. Murrell Smith, Jr.
murrell@smithrobinsonlaw.com
SMITH ROBINSON HOLLER DUBOSE MORGAN, LLC
PO Box 580
Sumter, SC 29151-0580

and

Lindsay Anne Joyner
ljoyner@gwblawfirm.com
GALLIVAN, WHITE & BOYD, PA
40 Calhoun Street, Suite 315
Charleston, SC 29401

and

John Thomas Lay, Jr.
jlay@gwblawfirm.com
Gray Thomas Culbreath
gculbreath@gwblawfirm.com
Laura Watkins Jordan
ljordan@gwblawfirm.com
Eleanor Lasseigne Jones
ejones@gwblawfirm.com
GALLIVAN, WHITE & BOYD, PA
1201 Main Street, Suite 1200
Columbia, SC 29201

Attorneys for Cape PLC

Respectfully submitted,
CLEMENT RIVERS, LLP

By: *s/Stephen L. Brown*
Stephen L. Brown (SC Bar No. 66468)

*Attorneys for Appellant Asbestos
Corporation Limited*

Charleston, South Carolina

February 22, 2024

Bell, Pollyana (Polly)

From: Bell, Pollyana (Polly)
Sent: Thursday, February 22, 2024 11:57 AM
To: Theile McVey; jrutkoski@kassellaw.com; tbranham@dobslegal.com; achapman@dobslegal.com; dhumen@dobslegal.com; khardin@dobslegal.com; tbarnes@dobslegal.com; pdp@rplegalgroup.com; jchandler@rplegalgroup.com; Brian Barnwell; todd.carroll@wbd-us.com; 'kevin.hall@wbd-us.com'; Elizabeth.ONeill@wbd-us.com; jelliott@richardsonplowden.com; cberthelsen@richardsonplowden.com; 'spugh@richardsonplowden.com'; 'bcarlton@richardsonplowden.com'; 'cganjehsani@richardsonplowden.com'; 'asanzgiri@richardsonplowden.com'; vrawl@grsm.com; shanonp@smithrobinsonlaw.com; jon@smithrobinsonlaw.com; murrell@smithrobinsonlaw.com; ljoyner@gwblawfirm.com; jlay@gwblawfirm.com; 'gculbreath@gwblawfirm.com'; ljordan@gwblawfirm.com; Eleanor Jones
Cc: Brown, Stephen L.; Hines, Russell; Gandy, III, James D. (Tripp); Olive, IV, Graydon; Justman, Aimee
Subject: Tibbs v. Asbestos Corporation Limited; Appellate Case No. 2023-001461 (CR 230595)
Attachments: Initial Brief of Appellant ACL.pdf; Designation of Matter.pdf

Enclosed please find Appellant Asbestos Corporation Limited's Initial Brief and Designation of Matter for service upon you in the above-referenced matter.

Thank you,

Pollyana Bell
Project Assistant
Commercial Litigation Practice Group
Phone:(843)720-5488 | Fax:(843)579-1369



CLEMENT RIVERS, LLP
25 Calhoun Street • Suite 400 • Charleston, SC 29401
FOR COUNSEL