

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appellate Case No. 2023-001461

APPEAL FROM THE COURT OF COMMON PLEAS

FOR THE FIFTH JUDICIAL CIRCUIT

Civil Action No. 2023-CP-40-01759

THE HONORABLE JEAN TOAL ACTING CIRCUIT COURT JUDGE

PROOF OF SERVICE

James H. Elliott, Jr.
Cameron D. Berthelsen
RICHARDSON PLOWDEN & ROBINSON, P.A.
235 Magrath Darby Blvd., Ste. 100
Mt. Pleasant, South Carolina
(843) 805-6550

Scott S. Balber (*Pro Hac Vice*)
Benjamin C. Rubinstein (*Pro Hac Vice*)
Maxwell D. Herman (*Pro Hac Vice*)
HERBERT SMITH FREEHILLS NEW YORK LLP
450 Lexington Avenue
New York, New York 10017
(917) 542-7600

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 the Appellant,

And

Peter Protopapas, Duly Appointed Receiver for Atlas Corporation Limited, is the

Respondent,

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,

I, James H. Elliott, Jr., of Richardson Plowden and Robinson, *Attorney for Appellant Anglo American plc*, hereby certify that the **INITIAL BRIEF OF APPELLANT AND DESIGNATION OF MATTERS TO BE INCLUDED IN THE RECORD ON APPEAL OF ANGLO AMERICAN PLC** 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
Receiver for CAPE PLC

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

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

Stephen L. Brown (SC Bar No. 66468)

sbrown@yctrlaw.com

Russell G. Hines (SC Bar No. 72100)

RHines@yctrlaw.com

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

tgandy@yctrlaw.com

Graydon V. Olive, IV (SC Bar No. 105319)

golive@yctrlaw.com

CLEMENT RIVERS, LLP

25 Calhoun Street, Suite 400

Charleston, South Carolina 29401

(843) 720-5488

***Attorneys for Appellant Asbestos
Corporation Limited***

Signature Page Follows

Respectfully submitted,

RICHARDSON PLOWDEN & ROBINSON, P.A.

/s/ James H. Elliott, Jr.

James H. Elliott, Jr. (SC Bar No. 13620)

Cameron D. Berthelsen (SC Bar No. 104849)

235 Magrath Darby Blvd., Ste. 100

Mt. Pleasant, South Carolina 29464

Tel: 843-805-6550

Fax: 843-805-6599

Email:

jelliott@richardsonplowden.com

cberthelsen@richardsonplowden.com

Scott S. Balber (*Pro Hac Vice*)

Benjamin C. Rubinstein (*Pro Hac Vice*)

Maxwell D. Herman (*Pro Hac Vice*)

HERBERT SMITH FREEHILLS NEW YORK LLP

450 Lexington Avenue

New York, New York 10017

(917) 542-7600

February 22, 2024

Helen Elliott

From: Helen Elliott
Sent: Thursday, February 22, 2024 6:55 PM
To: TMcVey@kassellaw.com; jrutkoski@kassellaw.com; tbranham@dobslegal.com; achapman@dobslegal.com; dhumen@dobslegal.com; khardin@dobslegal.com; tbarnes@dobslegal.com; pdp@rplegalgroup.com; jchandler@rplegalgroup.com; BB@rplegalgroup.com; Todd.carroll@wbd-us.com; kevin.hall@wbd-us.com; Elizabeth.ONeill@wbd-us.com; Steve Pugh; Ben Carlton; Carmen Ganjehsani; Ashwin Sanzgiri; vrawl@grsm.com; shanonp@smithrobinsonlaw.com; jon@smithrobinsonlaw.com; murrell@smithrobinsonlaw.com; ljoyner@gwblawfirm.com; jlay@gwblawfirm.com; gculbreath@gwblawfirm.com; ljordan@gwblawfirm.com; ejones@gwblawfirm.com; sbrown@ycrlaw.com; RHines@ycrlaw.com; tgandy@ycrlaw.com; golive@ycrlaw.com; AJustman@ycrlaw.com; pbell@ycrlaw.com
Cc: James Elliott; Cameron Berthelsen; Marcy Dalton; Helen Elliott
Subject: RE: Tibbs v. Asbestos Corporation Limited; Appellate Case No. 2023-001461
Attachments: 2024.02.22 - Anglo American plc SCACR 209 Designation.pdf; 2024.02.22 - Anglo American plc Initial Appellant Brief.pdf; 2024.02.22 - Anglo American plc Proof of Service.pdf

Counsel,

Please find attached Appellant Anglo American plc's Initial Brief, Designation of Matter and Proof of Service.

Thank you,

| HOME | VCARD | LOCATION |
|---|-----------------------|---|
|  | | <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> |