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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
The Honorable Jean H. Toal, Circuit Court Judge

Civil Action No. 2023-CP-40-01759
Appellate Case No. 2023-001461

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.**

**APPELLANTS ARRANCO US, LLC; HAWK BIDCO (US) INC.; AND
SPARROWS OFFSHORE, LLC'S DESIGNATION OF MATTER TO BE INCLUDED IN
THE RECORD ON APPEAL**

ArranCo US, LLC, Hawk Bidco (US) Inc., and Sparrows Offshore, LLC, Appellants in the above matter, propose the following be included in the Record on Appeal:

1. Summons & Complaint in *Park v. Armstrong International, Inc.*, et al., 2021-CP-40-02727, filed June 4, 2021;
2. First Amended Summons & Complaint in *Park*, filed November 17, 2021;
3. Second Amended Summons & Complaint in *Park*, filed December 23, 2021;
4. Motion to Appoint Receiver in *Park* and attached exhibits, filed March 6, 2023;
5. Order Appointing Receiver in *Park*, filed March 17, 2023;
6. Plaintiffs' Summons & Complaint in *Tibbs v. 3M Company et al.*, Case No. 2023-CP-40-01759, filed April 5, 2023
7. Plaintiffs' Amended Summons & Complaint in *Tibbs*, filed May 3, 2023;
8. Receiver's Summons & Third-Party Complaint on behalf of Cape PLC in *Tibbs*, filed June 30, 2023;
9. Sparrows Offshore, LLC's Motion to Dismiss Third-Party Complaint for Lack of Personal Jurisdiction and for Stay of Discovery and attached Affidavit of Adam C. Wood, filed August 21, 2023;
10. ArranCo US, LLC's Motion to Dismiss Third-Party Complaint for Lack of Personal Jurisdiction and for Stay of Discovery and attached Affidavit of Adam C. Wood, filed August 21, 2023;
11. Hawk Bidco (US) Inc.'s Motion to Dismiss Third-Party Complaint for Lack of Personal Jurisdiction and for Stay of Discovery and attached Affidavit of Adam C. Wood, filed August 21, 2023;
12. Sparrows Appellants' Motion to Dissolve Cape PLC Receivership and attached exhibits, filed August 21, 2023;
13. Sparrows Appellants' Motion to Dismiss Pursuant to Rules 12(b)(1) & 12(b)(6) and Alternative Motion for More Definite Statement and to Strike or Sever Pursuant to Rules 12(e) and 14, and attached exhibits, filed August 21, 2023;
14. Plaintiffs' Notice of Filing of Omitted [sic] Exhibit in *Park*, and attached exhibit, filed August 28, 2023;
15. Sparrows Appellants' Motion for Protective Order and to Dissolve Receivership, filed September 5, 2023;

16. Receiver's Omnibus Response to Motions for Stay and Protective Order, filed October 18, 2023
17. Receiver's Omnibus Opposition to Motions to Dissolve, and attached exhibits, filed October 18, 2023;
18. Receiver's Omnibus Opposition to Motions to Dismiss Under Rules 12(b)(1) and 12(b)(6) and, Alternatively, for More Definite Statement and to Strike or Sever Under Rules 12(e) and 14, and attached exhibits, filed October 18, 2023;
19. Receiver's Omnibus Opposition to Motions to Dismiss for Lack of Personal Jurisdiction and attached Exhibit A (Affidavit of James T. H. Buxton, Esq.) and Exhibit B (Affidavit of Eric L. Talley, Ph.D., J.D.), filed October 18, 2023;
20. Sparrows Appellants' Reply in Support of Motions to Dismiss for Lack of Personal Jurisdiction and for Stay of Discovery, filed October 23, 2023
21. Sparrows Appellants' Reply in Support of Motion to Dissolve Cape PLC Receivership and Motion for Protective Order, filed October 23, 2023;
22. Sparrows Appellants' Memorandum in Support of Motion to Dismiss Pursuant to Rules 12(b)(1) & 12(b)(6) and Alternative Motion for More Definite Statement and to Strike or Sever Pursuant to Rules 12(e) and 14;
23. Transcript of October 25, 2023 hearing before The Honorable Chief Justice (Ret.) Jean H. Toal;
24. Receiver's Eleven Stipulations of Dismissal of Certain "Oppenheimer Third-Party Defendants" Without Prejudice, each filed November 17, 2023;
25. Receiver's Proposed Order, submitted and filed December 4, 2023;
26. Receiver's Supplement to Omnibus Memorandum in Opposition to Motions to Dismiss for Lack of Personal Jurisdiction, and Exhibit H (Sparrows Offshore International Group Ltd.: Report and Financial Statements for Year Ended 31 December 2022), filed December 4, 2023;
27. Sparrows Appellants' Objections to Receiver's Proposed Order Regarding Motion to Dissolve Cape PLC Receivership and Motions to Dismiss for Lack of Personal Jurisdiction, and attached exhibits, filed December 4, 2023;
28. Sparrows Appellants' Proposed Order on Motions to Dismiss for Lack of Personal Jurisdiction, submitted and filed December 4, 2023;
29. Sparrows Appellants' Proposed Order on Motion to Dissolve Cape PLC Receivership, submitted and filed December 4, 2023;

30. Circuit Court's Order Denying Motions to Dissolve Cape PLC Receivership and Motions to Dismiss for Lack of Personal Jurisdiction, filed December 6, 2023 (Order on Appeal); and
31. Circuit Court's Form 4 Order Denying Motions to Dismiss Pursuant to Rules 12(b)(1) & 12(b)(6), filed December 15, 2023.

I certify this designation contains no matter irrelevant to this appeal.

Respectfully submitted,

/s Steven J. Pugh

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February 22, 2024

CERTIFICATE OF SERVICE

I, Ashwin R. Sanzgiri, the undersigned, an employee of Richardson Plowden & Robinson, P.A., for Appellants ArranCo US, LLC, Hawk Bidco (US) Inc., and Sparrows Offshore, LLC, do hereby certify that I have this date served the foregoing **DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL**, dated February 22, 2024, by personally serving the same pursuant to Section (d)(1) of the Supreme Court’s Order dated May 6, 2022, on all counsel of record using the primary email addresses listed in the Attorney Information System (if applicable).

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Date: February 22, 2024