

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

The Honorable Jean H. Toal
Acting Circuit Court Judge

Appellate Case No. 2023-001461
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. 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; and Zurn Industries, LLC,Defendants,

of which

Asbestos Corporation Limited is theAppellant,

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.; DeBeers PLC; DeBeers Centenary AG; DeBeers Consolidated Mines Ltd.; DeBeers S.A.; DeBeers UK Ltd.; DeBeers Jewelers 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 (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, Third-Party Defendants,

Mohed Altrad; Altrad Investment Authority SAS; ArranCo US, LLC;
Hawk Bidco US Inc.; Sparrows Offshore, LLC; Angle 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 the.....Appellants.

**CHARTER CONSOLIDATED LTD.,
ESAB CORPORATION, AND CENTRAL MINING AND INVESTMENT
CORPORATION LTD. DEFENDANTS DESIGNATION OF MATTER**

Pursuant to Rule 209, SCACR, Appellants Charter Consolidated Ltd., ESAB Corporation, and Central Mining and Investment Corporation Ltd. and ESAB (together “Charter Defendants”) designate the following materials for inclusion in the record on appeal:

1. Order Denying Certain Third-Party Defendants’ Motions to Dissolve Receivership and Third-Party Defendants’ Motions to Dismiss for Lack of Personal Jurisdiction in Tibbs v. 3M Company, Case No. 2023-CP-40-01759 (Dec. 6, 2023);
2. Order Appointing Receiver in Park v. Armstrong International, Inc., Case No. 2021-CP-40-02727, filed on March 17, 2023;
3. Order Granting Motion to Amend Complaint in Park, filed on December 23, 2021;
4. Docketing Order in Park, filed on December 1, 2021;
5. Second Amended Complaint in Park, filed on December 23, 2021;
6. Amended Third-Party Complaint by the putative Cape PLC Receiver in Park, filed on August 9, 2023;
7. Complaint in Tibbs, filed on April 5, 2023;
8. Amended Complaint in Tibbs, filed on May 3, 2023;
9. Answer putatively on behalf of Cape PLC in Tibbs, filed on June 29, 2023;
10. Third-Party Complaint by the Cape PLC Receiver in Tibbs, filed on June 30, 2023;
11. Hearing Transcript (Oct. 25, 2023);
12. Third-Party Defendant De Beers UK Limited’s Motion to Dismiss for Lack of Personal Jurisdiction and all Exhibits thereto, filed on August 16, 2024;
13. Third-Party Defendant De Beers PLC’s Motion to Dismiss for Lack of Personal Jurisdiction and all Exhibits thereto, filed on August 16, 2024;
14. Third-Party Defendant Anglo American PLC’s Motion to Dismiss for Lack of Personal Jurisdiction and all Exhibits thereto, filed on August 16, 2024;
15. Sparrows Offshore, LLC’s Motion to Dismiss Third-Party Complaint for Lack of Personal Jurisdiction and Stay of Discovery and all Exhibits thereto, filed on August 21, 2023;
16. ArranCo US, LLC’s Motion to Dismiss Third-Party Complaint for Lack of Personal Jurisdiction and Stay of Discovery and all Exhibits thereto, filed on August 21, 2023;

17. Hawk Bidco (US) Inc.'s Motion to Dismiss Third-Party Complaint for Lack of Personal Jurisdiction and Stay of Discovery and all Exhibits thereto, filed on August 21, 2023;
18. Defendants ArranCo US, LLC, Hawk Bidco (US), Inc., and Sparrows Offshore, LLC's Motion to Dissolve the Cape PLC "Receivership" and all Exhibits thereto, filed on August 21, 2023;
19. Altrad Investment Authority SAS's Motion to Dismiss the Third-Party Complaint for Lack of Personal Jurisdiction and for Stay of Discovery and all Exhibits thereto, filed on September 1, 2023;
20. Mohed Altrad's Motion to Dismiss the Third-Party Complaint for Lack of Personal Jurisdiction and for Stay of Discovery and all Exhibits thereto, filed on September 1, 2023;
21. Third-Party Defendants Mohed Altrad and Altrad Investment Authority SAS's Motion to Dissolve the Cape PLC "Receivership" and all Exhibits thereto, filed on September 1, 2023;
22. Charter's Motion to Dismiss the Third Party Complaint and Affidavit of Rita J. Herring in support thereof, filed on September 1, 2023;
23. ESAB's Motion to Dismiss the Third Party Complaint and Affidavit of Rita J. Herring in support thereof, filed on September 1, 2023;
24. Central Mining's Motion to Dismiss the Third Party Complaint and Affidavit of Rita J. Herring in support thereof, filed on September 1, 2023;
25. Third-Party Defendants ArranCo US, LLC; Hawk Bidco (US) Inc., and Sparrows Offshore, LLC's Motion for Protective Order and to Dissolve Receivership, filed on September 5, 2023;
26. Third-Party Defendant De Beers Consolidated Mines Proprietary Limited's Motion to Dismiss for Lack of Personal Jurisdiction, filed on September 6, 2023;
27. Third-Party Defendant De Beers Centenary AG's Motion to Dismiss for Lack of Personal Jurisdiction, filed on September 11, 2023;
28. Third-Party Defendants Mohed Altrad and Altrad Investment Authority S.A.S.'s Motion for Protective Order and to Dissolve Receivership, filed on September 20, 2023;
29. Charter's Motion for Protective Order and to Dissolve Receivership, filed on October 6, 2023;
30. ESAB's Motion for Protective Order and to Dissolve Receivership, filed on October 6, 2023;

31. Central Mining's Motion for Protective Order and to Dissolve Receivership, filed on October 6, 2023;
32. Third-Party Plaintiff's Omnibus Opposition to Motions to Dissolve by Responding Altrad Third-Party Defendants and Charter Third-Party Defendants and all Exhibits thereto, filed on October 18, 2023;
33. Third-Party Plaintiff Cape PLC's Omnibus Opposition to Third-Party Defendants' Motions to Dismiss for Lack of Personal Jurisdiction and all Exhibits thereto, filed on October 18, 2023;
34. Third-Party Defendant Anglo American PLC's Memorandum in Support of Motion to Dismiss for Lack of Personal Jurisdiction, filed on October 23, 2023;
35. Third-Party Defendant De Beers PLC's Memorandum in Support of Motion to Dismiss for Lack of Personal Jurisdiction, filed on October 23, 2023;
36. Third-Party Defendant De Beers UK Limited's Memorandum in Support of Motion to Dismiss for Lack of Personal Jurisdiction, filed on October 23, 2023;
37. Third-Party Defendant De Beers Centenary AG's Memorandum in Support of Motion to Dismiss for Lack of Personal Jurisdiction, filed on October 23, 2023;
38. Third-Party Defendant De Beers Consolidated Mines Proprietary Limited's Memorandum in Support of Motion to Dismiss for Lack of Personal Jurisdiction, filed on October 23, 2023;
39. Third-Party Defendants ArranCo, US, LLC, Hawk Bidco (US) Inc., and Sparrows Offshore, LLC's Reply in Support of Motion to Dismiss Third-Party Complaint for Lack of Personal Jurisdiction and for Stay of Discovery, filed on October 23, 2023;
40. Third-Party Defendants ArranCo, US, LLC, Hawk Bidco (US) Inc., and Sparrows Offshore, LLC's Reply in Support of Motion to Dissolve the Cape PLC "Receivership" and Motion for Protective Order and to Dissolve Receivership, filed on October 23, 2023;
41. Reply in Support of Mohed Altrad and Altrad Investment Authority SAS's Motion to Dissolve the Cape PLC "Receivership" and Motion for Protective Order and to Dissolve Receivership, filed on October 23, 2023;
42. Defendants Mohed Altrad and Altrad Investment Authority S.A.S.'s Reply in Support of Motion to Dismiss Third-Party Complaint for Lack of Personal Jurisdiction and for Stay of Discovery, filed on October 23, 2023;
43. Charter's Memorandum in Support of Motion to Dismiss the Third-Party Complaint, filed on October 23, 2023;

44. Central Mining's Memorandum in Support of Motion to Dismiss the Third-Party Complaint, filed on October 23, 2023;
45. ESAB's Memorandum in Support of Motion to Dismiss the Third-Party Complaint, filed on October 23, 2023;
46. Charter's Reply Memorandum in Further Support of Motion for Protective Order and to Dissolve Receivership, filed on October 24, 2023;
47. ESAB's Reply Memorandum in Further Support of Motion for Protective Order and to Dissolve Receivership, filed on October 24, 2023;
48. Central Mining's Reply Memorandum in Further Support of Motion for Protective Order and to Dissolve Receivership, filed on October 24, 2023;
49. [Proposed] Order Denying Certain Third-Party Defendants' Motions to Dissolve Receivership and Third-Party Defendants' Motions to Dismiss for Lack of Personal Jurisdiction, dated November 8, 2023;
50. Charter's Response and Objection to Third-Party Plaintiff's Proposed Order Denying Certain Third-Party Defendants' Motions to Dissolve Receivership and Third-Party Defendants' Motions to Dismiss for Lack of Personal Jurisdiction and all Exhibits thereto, filed on December 4, 2023;
51. ESAB's Response and Objection to Third-Party Plaintiff's Proposed Order Denying Certain Third-Party Defendants' Motions to Dissolve Receivership and Third-Party Defendants' Motions to Dismiss for Lack of Personal Jurisdiction and all Exhibits thereto, filed on December 4, 2023;
52. Central Mining's Response and Objection to Third-Party Plaintiff's Proposed Order Denying Certain Third-Party Defendants' Motions to Dissolve Receivership and Third-Party Defendants' Motions to Dismiss for Lack of Personal Jurisdiction and all Exhibits thereto, filed on December 4, 2023;
53. Third-Party Plaintiff Cape PLC's Supplement to Omnibus Memorandum in Opposition to Third-Party Defendants' Motion to Dismiss for Lack of Personal Jurisdiction, filed on December 4, 2023;
54. Defendants ArranCo, US, LLC, Hawk Bidco (US) Inc., and Sparrows Offshore, LLC's Objections to the Cape PLC Receiver's Proposed Order Regarding the Motion to Dissolve the Receivership and Motions to Dismiss for Lack of Personal Jurisdiction and all Exhibits thereto, filed on December 4, 2023;
55. Anglo American and De Beers Non-US Third-Party Defendants Response and Opposition to Third-Party Plaintiff's Proposed Order Denying Third-Party Defendants' Motions to Dismiss for Lack of Personal Jurisdiction and all Exhibits thereto, filed on December 4, 2023;

56. Mohed Altrad and Altrad Investment Authority SAS's Objections to the Cape PLC Receiver's Proposed Order Regarding the Motion to Dissolve the Receivership and Motions to Dismiss for Lack of Personal Jurisdiction and all Exhibits thereto, filed on December 4, 2023;
57. Revised [Proposed] Order Denying Certain Third-Party Defendants' Motions to Dissolve Receivership and Third-Party Defendants' Motions to Dismiss for Lack of Personal Jurisdiction, filed on December 4, 2023;
58. Notice of Appeal, filed on December 19, 2023; and
59. Proof of Service, filed on December 19, 2023.

The below-signed certifies that this Designation contains no matter which is irrelevant to this appeal. Additionally, the Charter Defendants reserve the right to rely on any matter designated by any other party to this appeal.

Dated: February 22, 2024

GORDON REES SCULLY MANSUKHANI, LLP

BY: /s/ A. Victor Rawl, Jr.
A. Victor Rawl, Jr. (SC 09261)
Email: vrawl@grsm.com
677 King Street, Suite 450
Charleston, SC 29403
Telephone: 843-714-2501

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

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

The Honorable Jean H. Toal
Acting Circuit Court Judge

Appellate Case No. 2023-001461
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. 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; and Zurn Industries, LLC,

Defendants,

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.; 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,

Third-Party
Defendants,

of which

Charter Consolidated Ltd.; and Central Mining & Investment Corporation Ltd. are the

Appellants.

PROOF OF SERVICE

I, the undersigned of the law offices of GORDON REES SCULLY MANSUKHANI, LLP, attorneys for Appellants ESAB Corporation, 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): Designation of Matters to be Included in the Record on Appeal of Appellants ESAB Corporation; Charter Consolidated Ltd.; and Central Mining & Investment Corporation Ltd.

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. Scudato (paul.scudato@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)

Counsel for Plaintiffs

James H. Elliott, Jr. (jelliott@richardsonplowden.com)
Cameron D. Berthelsen (cberthelsen@richardsonplowden.com)

Counsel for Co-Appellants AA/DB Non-US Third-Party Defendants

Steven J. Pugh (spugh@richardsonplowden.com)
Benjamin P. Carlton (bcarlton@richardsonplowden.com)
Carmen V. Ganjehsani (cganjehsani@richardsonplowden.com)
Ashwin R. Sanzgiri (asanzgiri@richardsonplowden.com)

Counsel for Co-Appellants ArranCo US, LLC; Hawk Bidco (US) Inc.; and Sparrows Offshore, LLC

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)

Counsel for Co-Appellants Mohed Altrad and Altrad Investment Authority SAS

Stephen L. Brown (sbrown@ycrllaw.com)
James D. Gandy, III (tgandy@ycrllaw.com)
Stephen A. Griffith (sgriffith@ycrllaw.com)

Counsel for Asbestos Corporation Limited

By: /s/ A. Victor Rawl, Jr.