

RECEIVED

Mar 05 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
In the Court of Common Pleas
For the Fifth Judicial Circuit

The Honorable Jean H. Toal,
Acting Circuit Court Judge

Case No. 2023-CP-40-01759

Appellate Case Nos.

2023-002006

2023-002007

2023-002008

2023-002009

2023-002010

2023-002011

John A. Tibbs v. Asbestos Corporation Limited, et al

MOTION FOR EXTENTION OF TIME TO FILE RESPONDENT'S INITIAL BRIEF

Cape Asbestos Company Limited, n/k/a Cape Intermediate Holdings Ltd. ("Cape"), by and through its duly appointed Receiver Peter D. Protopapas (the "Receiver") hereby moves for an extension of time of thirty (30) days to file Respondent's Initial Brief and designation of matter. Respondent's Initial Brief and designation of matter are currently due on March 23, 2024. An order granting a 30-day extension will make Respondent's Initial Brief and designation of matter due on or before April 22, 2024. This is Respondent's first request for an extension of time to file

the Initial Brief and designation of matter. Pursuant to Rule 262 of the South Carolina Appellate Court Rules and Supreme Court Order 2022-05-06-03, Appellant files and serves this motion via email using the email addresses listed in the Attorney Information System, and it will separately send motion filing fee by U.S. Mail.

Respectfully Submitted,

GALLIVAN, WHITE & BOYD, P.A.

By: /s/ John T. Lay, Jr.

John T. Lay, Jr., SC Bar No. 64526

Gray T. Culbreath, SC Bar No. 11907

Lindsay A. Joyner, SC Bar No. 77437

Laura W. Jordan, SC Bar No. 100374

Eleanor L. Jones, SC Bar No. 104678

1201 Main Street, Suite 1200

PO Box 7368 (29202)

Columbia, SC 29201

jlay@gwblawfirm.com

gculbreath@gwblawfirm.com

ljoyner@gwblawfirm.com

ljordan@gwblawfirm.com

ejones@gwblawfirm.com

(803) 779-1833

Jonathan M. Robinson

Shanon N. Peake

SMITH | ROBINSON, LLC

2530 Devine Street, Third Floor

Columbia, SC 29205

jon@smithrobinsonlaw.com

shanonp@smithrobinsonlaw.com

(803) 254-5445

G. Murrell Smith, Jr.

SMITH | ROBINSON, LLC

PO Box 580

Sumter, SC 29151-0580

murrell@smithrobinsonlaw.com

(803) 778-2471

Troy S. Brown (*admitted pro hac vice*)
Dana E. Becker (*admitted pro hac vice*)
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103
troy.brown@morganlewis.com
dana.becker@morganlewis.com
(215) 963-5000

Brady Edwards (*pro hac vice forthcoming*)
Robert W. Jacques
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue NW
Washington, DC 20004
brady.edwards@morganlewis.com
robert.jacques@morganlewis.com
(202) 739-3000

Paul A. Scrudato
MORGAN, LEWIS & BOCKIUS LLP
101 Park Avenue
New York, NY 10178
paul.scrudato@morganlewis.com
(212) 309-6000
Attorneys for Third-Party Plaintiff

March 5, 2024

RECEIVED

Mar 05 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
In the Court of Common Pleas
For the Fifth Judicial Circuit

The Honorable Jean H. Toal,
Acting Circuit Court Judge

Case No. 2023-CP-40-01759

Appellate Case Nos.

2023-002006

2023-002007

2023-002008

2023-002009

2023-002010

2023-002011

John A. Tibbs v. Asbestos Corporation Limited, et al

PROOF OF SERVICE

I, Lindsay A. Joyner., of Gallivan White and Boyd, PA, *Attorney for Respondent Cape PLC, individually and as successor in interest to Cape Asbestos Company Limited, by and through its duly appointed Receiver Peter D. Protopapas*, hereby certify that the **MOTION FOR EXTENTION OF TIME TO FILE RESPONDENT'S INITIAL BRIEF** was served on all other parties to this appeal on March 5, 2024, via email 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;

James H. Elliott, Jr.
jelliott@richardsonplowden.com
Cameron D. Berthelsen
cberthelsen@richardsonplowden.com
RICHARDSON PLOWDEN & ROBINSON, P.A.
235 Magrath Darby Blvd., Ste. 100
Mt. Pleasant, SC 29464
Attorneys for DeBeers Consolidated Mines LTD, De Beers PLC, De Beers UK Ltd, De Beers Centenary AG and Anglo American PLC

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

Stephen L. Brown (SC Bar No. 66468)
sbrown@ycrlaw.com
Russell G. Hines (SC Bar No. 72100)
RHines@ycrlaw.com
James D. Gandy, III (SC Bar No. 11925)
tgandy@ycrlaw.com
Graydon V. Olive, IV (SC Bar No. 105319)
golive@ycrlaw.com
CLEMENT RIVERS, LLP
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
(843) 720-5488

Attorneys for Appellant Asbestos Corporation Limited

GALLIVAN, WHITE & BOYD, P.A.

By: /s/ Lindsay A. Joyner

John T. Lay, Jr., SC Bar No. 64526

Gray T. Culbreath, SC Bar No. 11907

Lindsay A. Joyner, SC Bar No. 77437

Laura W. Jordan, SC Bar No. 100374

Eleanor L. Jones, SC Bar No. 104678

1201 Main Street, Suite 1200

PO Box 7368 (29202)

Columbia, SC 29201

jlay@gwblawfirm.com

gculbreath@gwblawfirm.com

ljoyner@gwblawfirm.com

ljordan@gwblawfirm.com

ejones@gwblawfirm.com

(803) 779-1833

Jonathan M. Robinson

Shanon N. Peake

SMITH | ROBINSON, LLC

2530 Devine Street, Third Floor

Columbia, SC 29205

jon@smithrobinsonlaw.com

shanonp@smithrobinsonlaw.com

(803) 254-5445

G. Murrell Smith, Jr.

SMITH | ROBINSON, LLC

PO Box 580

Sumter, SC 29151-0580

murrell@smithrobinsonlaw.com

(803) 778-2471

Troy S. Brown (*admitted pro hac vice*)

Dana E. Becker (*admitted pro hac vice*)

MORGAN, LEWIS & BOCKIUS LLP

1701 Market Street

Philadelphia, PA 19103

troy.brown@morganlewis.com

dana.becker@morganlewis.com

(215) 963-5000

Brady Edwards (*pro hac vice* forthcoming)
Robert W. Jacques
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue NW
Washington, DC 20004
brady.edwards@morganlewis.com
robert.jacques@morganlewis.com
(202) 739-3000

Paul A. Scrudato
MORGAN, LEWIS & BOCKIUS LLP
101 Park Avenue
New York, NY 10178
paul.scrudato@morganlewis.com
(212) 309-6000
Attorneys for Third-Party Plaintiff

March 5, 2024

From: [Lindsay Joyner](#)
To: [James Elliott](#); [Cameron Berthelsen](#); [Marcy Dalton](#); TMcVey@kassellaw.com; jrutkoski@kassellaw.com; tbranham@dobslegal.com; achapman@dobslegal.com; dhumen@dobslegal.com; khardin@dobslegal.com; tbarnes@dobslegal.com; [Peter Protopapas](mailto:Peter.Protopapas); [John Chandler](#); [Brian Barnwell](#); 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; [Shannon Peake](#); [Jon Robinson](#); murrell@smithrobinsonlaw.com; [Lindsay Joyner](#); [John T. Lay](#); [Gray Culbreath](#); [Laura Jordan](#); [Eleanor Jones](#); sbrown@ycrlaw.com; RHines@ycrlaw.com; tgandy@ycrlaw.com; golive@ycrlaw.com; AJustman@ycrlaw.com; pbell@ycrlaw.com; [Helen Elliott](#); [Amelia Farmer](#); [Lori Seaborn](#); [Troy Brown](#); [Dana Becker](#); [Brady Edwards](#); [Robert Jacques](#); [Paul A. Scrudato](#)
Bcc: [10565_1 Keith W. Park individually and as the PR of the Estate of Isabella Park v. Cape PLC et al Email 10565_1](#)
Subject: Tibbs v. Asbestos Corporation Limited, App. Case Nos.: 2023-002006, 2023-002007, 2023-002008, 2023-002009, 2023-002010, 2023-002011 [IMAN-IMANMAIN.FID1086139]
Date: Tuesday, March 5, 2024 2:13:05 PM
Attachments: [Cape PLC's Motion for Extension of Time.pdf](#)
[POS for Motion for Ext of Time.pdf](#)

All,

Please find served upon you, in compliance with the Supreme Court's Order dated May 6, 2022, Respondent's Motion for Extension Time to File Initial Brief in the above-referenced appellate cases, which we will be filing with the Court of Appeals of South Carolina momentarily, which will include a copy of this email with the POS attached here as well.

Please let me know if you have any questions.

Thanks,
Lindsay



Lindsay Anne Joyner
Partner
ljoyner@gwblawfirm.com

Gallivan, White & Boyd P.A.
40 Calhoun Street | Suite 315 | Charleston SC 29401
843 414 8107 Direct | 843 735 7600 Main | 843 414 8070 Fax
Mailing Post Office Box 22768 | Charleston SC 29413

[vCard](#) | [BioURL](#) | [Website](#)

This message is from the law firm Gallivan, White & Boyd, PA and may be a confidential and privileged legal communication to the named recipient(s). If you receive this message in error or are not the named recipient(s), please notify the sender and delete this email. Thank you.