

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. 2024-000341
Circuit Court Case No. 2022-CP-40-02979

Ted Everett Mitchell, individually and as Executor of the Estate of
Patsy Ann Mitchell,

Plaintiffs,

v.

3M Company; ABB Inc.; Advance Auto Parts, Inc.; Air & Liquid Systems Corporation; Alfa Laval, Inc.; Amentum Environment & Energy, Inc.; Ametek, Inc.; Anchor/Darling Valve Company; A.O.Smith Corporation; Armstrong International, Inc.; Asbestos Corporation Limited; Atlas Turner, Inc.; AWT Air Company, Inc.; Bahnsen, Inc.; Beatty Investments, Inc.; Bechtel Investments, Inc.; The Bonitz Company; BW/IP Inc.; Cameron International Corporation; Cape PLC; Carrier Corporation; Carver Pump Company; Champlain Cable Corporation; Cleaver-Brooks, Inc.; Clyde Union Inc.; Covil Corporation; Crane Co.; Crane Instrument & Sampling, Inc.; Daniel International Corporation; Davis Mechanical Contractors, Inc.; Detroit Stoker Company, LLC; Ellington Insulation Company, Inc.; Erico International Corporation; Fisher Controls International, LLC; Flowserve US Inc.; Fluor Constructors International; Fluor Constructors International, Inc.; Flour Daniel Services Corporation; Fluor Enterprises, Inc.; FMC Corporation; Ford Motor Company; Foster Wheeler Energy Corporation; Gardner Denver, Inc.; General Electric Company; General Parts, Inc.; Genuine Parts Company; The Goodyear Tire & Rubber Company; The Gorman-Rupp Company; Goulds Pumps, Incorporated; Graphic Packaging International, LLC; Great Barrier Insulation Co.; Grinnell LLC; Hercules LLC; Honeywell International, Inc.; IMO Industries Inc.; Industrial Holdings Corporation; International Paper Company; ITT LLC; J.&L. Insulation, Inc.; Metropolitan Life Insurance Company; Morse Tec LLC; Moyno, Inc.; NIBCO Inc.; Paramount Global; Pennsylvania Transformer Technology, Inc.; Presnell Insulation Co., Inc.; Redco Corporation; Rust Engineering & Construction, Inc.; Rust International Inc.; Saint-Gobain Abrasives, Inc.;

Schneider Electric Systems USA, Inc.; Sequoia Ventures Inc.; Service Products, Inc.; The Sherwin-Williams Company; Southern Insulation, Inc.; Spirax Sarco, Inc.; SPX Corporation; Standard Insulation Company of N.C., Inc.; Starr Davis Company, Inc.; Starr Davis Company of S.C., Inc.; Sterling Fluid Systems (USA) LLC; 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, by and through its duly appointed Receiver Peter D. Protopapas Third-Party Plaintiff/ Respondent,

v.

Century Indemnity Company, as successor to CCI Insurance Company, as successor to Insurance Company of North America; The Continental Insurance Company; Federal Insurance Company; Travelers Casualty and Surety Company f/k/a Aetna Life & Casualty Co., Third-Party Defendants,

of which

The Continental Insurance Company is the, Appellant.

NOTICE OF APPEAL

Please take notice that The Continental Insurance Company (“Continental”) appeals the orders captioned “Order on: 1. Motion by The Continental Insurance Company to Dismiss, Stay and/or Strike the Third-Party Complaint, or, In the Alternative, To Sever the Third-Party Complaint or, in the Further Alternative, For a More Definite Statement...” and “Order on: . . . Third-Party Defendant Continental Insurance Company’s Motion for Protective Order,” both of

which were entered on February 26, 2024. Among other reasons, these orders are immediately appealable pursuant to South Carolina Code §14-3-330(4) because they continue the appointment of a receiver. Continental received written notice of entry of these orders on February 26, 2024, making this notice timely. Continental further states that pursuant to Rule 206, Travelers Casualty and Surety Company f/k/a Aetna Life & Casualty Co. (“Travelers”) filed the first appeal of these orders on March 11, 2024 and is therefore the primary appellant. By docket entry of March 11, 2024, Travelers ordered the necessary transcript for this appeal from the appropriate court reporter.

Respectfully submitted,

Dated: March 27, 2024

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PROOF OF SERVICE

I, the undersigned of the law offices of Gordon Rees Sculls Mansukhani LLP, attorneys for Appellant The Continental Insurance Company, 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): The Continental Insurance Company's Notice of Appeal

Parties Served:

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Dated: March 27, 2024

By: s/A. Victor Rawl, Jr.