

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. 2024-000337
Circuit Court Case No. 2022-CP-40-03834

Donna B. Welch, individually and as Personal Representative of
the Estate of Melvin G. Welch, deceased, Plaintiffs,

v.

Advance Auto Parts, Inc.; American Honda Motor Co., Inc.; Atlas
Asbestos Co.; Atlas Turner, Inc., as successor to Atlas Asbestos Co.,
a foreign company; Bahnson, Inc.; Covil Corporation; Daniel
International Corporation; Ellington Insulation Company, Inc.;
Fluor Constructors International; Fluor Constructors International,
Inc.; Fluor Daniel Services Corporation; Fluor Enterprises, Inc.;
General Parts, Inc., individually and as successor in interest to
Carquest Corporation; Goodrich Corporation, b/k/a The B.F.
Goodrich Company; The Goodyear Tire & Rubber Company;
Graybar Electric Company, Inc.; Honeywell International, Inc.,
individually and as successor in interest to Allied Signal, Inc., as
successor to Bendix Corporation; Morse Tec LLC, f/k/a Borgwarner
Morse Tec LLC, and successor by merger to Borg-Warner
Corporation; Occidental Chemical Corporation, as successor to
Durez Corporation; O'Reilly Automotive Stores, Inc.; Paramount
Global, f/k/a ViacomCBS Inc., f/k/a CBS Corporation, a Delaware
corporation f/k/a Viacom, Inc., successor by merger to CBS
Corporation, a Pennsylvania corporation, f/k/a Westinghouse
Electric Corporation; Pneumo Abex LLC, successor in interest to
Abex Corporation; Redco Corporation f/k/a Crane Co.; Reinz
Wisconsin Gasket LLC f/k/a and/or successor to Reinz Wisconsin
Gasket Co. and Wisconsin Gasket Manufacturing Co., a wholly
owned subsidiary of DCO LLC; Rust Engineering & Construction,
Inc.; Rust International Inc.; Southern Insulation, Inc.; Spirax Sarco,
Inc.; Union Carbide Corporation; Westrock MWV, LLC,
individually and as successor in interest to Westvaco; and ZFAActive
Safety US Inc., f/k/a Kelsey-Hayes Company, Defendants,

Atlas Turner, Inc., f/k/a Atlas Asbestos Company, Ltd., by and through its duly appointed Receiver Peter D. Protopapas Third-Party Plaintiff/ Respondent,

v.

Zurich American Insurance Co., individually and as successor by merger to Maryland Casualty Company; Enstar (U.S.), Inc.; Federal Insurance Company; Continental Insurance Company; Insurance Company of North America; Aetna Life & Casualty Co., n/k/a Travelers Casualty & Surety Co.; Certain Underwriters at Lloyd’s, London, and Certain London Market Companies; Canadian General Insurance Company, n/k/a Aviva Insurance Co. of Canada; Marsh & McLennan Companies, Inc., Third-Party Defendants,

of which

Certain Underwriters at Lloyd’s, London, and Certain London Market Companies are the, Appellants.

NOTICE OF APPEAL

Please take notice that Certain Underwriters at Lloyd’s, London, meaning those Syndicates which severally subscribed, each for itself and not for any other, and World Auxiliary Insurance Corporation Ltd.¹ (“Certain London Market Insurers”)² appeal the orders captioned “Order on Insurers’ Motions to Stay, Motions to Dismiss, Motions to Strike, Motions for More Definite Statement, and Motion to Dissolve Receivership” and “Order on Third-Party Defendants’ Motions

¹ The Ocean Marine Insurance Company Limited has succeeded to the relevant liabilities of World Auxiliary Insurance Corporation Ltd.

² Because the Receiver has not identified any Lloyd’s underwriters or London market companies at this time, “Certain London Market Insurers” are the Lloyd’s underwriters and London market company that are believed based on current information to have subscribed to the policies identified in response to Paragraph 40 of the Third-Party Complaint.

for Protective Orders from Discovery,” 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. Certain London Market Insurers received written notice of entry of these orders on February 26, 2024, making this notice timely. Certain London Market Insurers further state that pursuant to Rule 206, Aetna Life & Casualty Co. n/k/a Travelers Casualty & Surety Company (“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.

March 27, 2024

Respectfully submitted,

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PROOF OF SERVICE

I, the undersigned of the law offices of Gordon Rees Sculls Mansukhani LLP, attorneys for Appellant Certain Underwriters at Lloyd's, London, and Certain London Market Companies are the, 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): Certain Underwriters at Lloyd's, London, and Certain London Market Companies' Notice of Appeal

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Dated: March 27, 2024

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