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Mar 25 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
Jean Hoefler Toal, Chief Justice (Ret.)

Case No. 2023-CP-40-01759

Appellate Case No. 2023-001461

John A. Tibbs and Margaret B. Tibbs,

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.; Beatty 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 ump, Inc.; Vistra Intermediate Company LLC; The William Powell Company Wind Up, Ltd.; Yuba Heat Transfer LLC; Zurn Industries, LLC,

of which

Asbestos Corporation Limited, is the Appellant.

and

Peter D. Protopapas, Duly Appointed Receiver for Asbestos Corporation Limited, is the Respondent.

**DESIGNATION OF MATTER
OF RECEIVER PETER D. PROTOPAPAS**

Pursuant to Rule 209, SCACR, the Receiver designates the following material for inclusion in the record on appeal. Undersigned counsel certifies, pursuant to Rule 209(c), SCACR, that the designation contains no matter which is irrelevant to this appeal.

Orders

1. Order Denying ACL's Motion to Dismiss, filed July 19, 2023
2. Order Holding ACL in Contempt, filed September 8, 2023
3. Order Appointing Receiver, filed September 8, 2023

Pleadings

4. Amended Summons & Complaint, filed May 3, 2023
5. Receiver's Third-Party Complaint, filed September 19, 2023, *Mitchell v. 3M Company, et al*, C/A No. 2022-CP-40-02979

Motions, Memoranda, & Other Filings

6. Motion to Dismiss for Lack of Personal Jurisdiction, filed May 17, 2023
7. Memorandum in Support of Motion to Dismiss and Exhibit, filed May 17, 2023
8. Plaintiff's Opposition to ACL's Motion to Dismiss and Exhibits, filed June 22, 2023
9. Motion to Hold ACL in Contempt and to Strike ACL's Pleadings, filed July 26, 2023

10. Motion for the Appointment of a Receiver and Exhibits, filed July 28, 2023
11. Notice of Misleading Representations and Exhibits, filed Aug. 18, 2023 in *Welch v. 3MCompany, et al.*, C/A No. 2020-CP-40-03834

Transcripts

12. August 21, 2023 Hearing Transcript
13. July 10, 2023 Hearing Transcript

Other

14. Correspondence from Stephen Brown to Theile McVey, July 24, 2023
15. Receiver's Motion to Supplement the Record and for Sanctions for Fraud on the Court and Exhibits, filed December 11, 2023

Respectfully submitted,

s/Shanon N. Peake

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March 25, 2024