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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
Jean Hoefer Toal, Acting Circuit Court Judge

Appellate Case No. 2024-000501
Circuit Court Case Nos. 2022-CP-40-05543, 2023-CP-40-03108

Michael David Link and Sandra Strickland Link.....Plaintiffs,

v.

4520 Corp., Inc., ABB Inc. Amentum Environment & Energy, Inc.,
Armstrong International, Inc., Asbestos Corporation Limited, AT&T Corp,
Atlas Turner Inc., Bahnson, Inc., BASF Catalysts LLC, BASF Corporation,
Beaty Investments, Inc., Bechtel Corporation, Bellsouth, LLC, Bellsouth
Telecommunications, LLC, The Bonitz Company, Brenntag North America,
Inc., Brenntag Specialties, LLC, Carboline Company, Carrier Corporation,
Celanese Corporation, CNA Holdings LLC, Cooper Crouse-Hinds, LLC,
Covil Corporation, Daniel International Corporation, Davis Mechanical
Contractors, Inc., Eaton Corporation, Ellington Insulation Company, Inc.,
Emerson Electric Co., Ericsson Inc., Fisher Controls International LLC,
Flowserve Corporation, Flowserve US Inc, Fluor Constructors International,
Fluor Constructors International, Inc., Fluor Daniel Services Corporation,
Fluor Enterprises, Inc., General Cable Corporation, General Cable
Industries, Inc. General Electric Company Gould Electronics Inc., Goulds
Pumps, Incorporated, Graybar Electric Company, In., Great Barrier
Insulation Co., Grinnell LLC, Heat & Frost Insulation Company, Inc., Henry
Pratt Company, LLC, Howden North America Inc., ITT LCC, J. & L.
Insulation, Inc., K-MAC Services, Inc., Kohler Co., Metropolitan Life
Insurance Company, Michelin Corporation, Michelin North America, Inc.,
Milliken Company, Nokia of America Corporation, Occidental Chemical
Corporation, The Okonite Company, Inc., Paramount Global, PECW Holding
Company, Plastics Engineering Company, Presnell Insulation Co., Inc.,
Prysmian Cables and Systems US, LLC, Raytheon Technologies Corporation,
Redco Corporation, Riley Power In., Rockwell Automation Inc., R.T.
Vanderbilt Holding Company, Inc., Rust Engineering & Construction, Inc.,
Rust International Inc., Saint-Gobain Abrasives, Inc., Schneider Electric
USA, Inc., Sequoia Ventures Inc., Siemens Industry, Inc., Spence Engineering
Company, Inc., Spirax Sarco, Inc., SPX Cooling Technologies, LLC, Standard
Insulation Company of N.C., Inc., Starr Davis Company, Inc., Starr Davis

Company of S.C., Inc., Thermo Electric Company, Inc., Union Carbide Corporation, Vanderbilt Minerals, LLC, Viking Pump, Inc., Vistra Intermediate Company LLC, Whittaker, Clark & Daniels, Inc., The William Powell Company, Wind Up, Ltd., York International Corporation, Zurn Industries, LLC.....Defendants,

and

Heather Donaghy, as Personal Representative of the Estate of Shirley Smiley Potter, deceased.....Plaintiffs,

v.

4520 Corp., Inc., ABB Inc. Amentum Environment & Energy, Inc., Armstrong International, Inc., Asbestos Corporation Limited, Atlas Turner Inc., Bahnson, Inc., Beaty Investments, Inc., Bechtel Corporation, The Bonitz Company, Brenntag North America, Inc., Brenntag Specialties, LLC, Canvas CT, LLC, Carboline Company, Carrier Corporation, Celanese Corporation, CNA Holdings LLC, Cooper Crouse-Hinds, LLC, Covil Corporation, Daniel International Corporation, Eaton Corporation, Emerson Electric Co., Ericsson Inc., Fisher Controls International LLC, Flowserve Corporation, Flowserve US Inc, Fluor Constructors International, Fluor Constructors International, Inc., Fluor Daniel Services Corporation, Fluor Enterprises, Inc., General Cable Corporation, General Cable Industries, Inc. General Electric Company Gould Electronics Inc., Goulds Pumps, Incorporated, Goulds Pumps LLC, Graybar Electric Company, In., Great Barrier Insulation Co., Grinnell LLC, Henry Pratt Company, LLC, Howden North America Inc., ITT LCC, K-MAC Services, Inc., Metropolitan Life Insurance Company, Occidental Chemical Corporation, Paramount Global, PECW Holding Company, Plastics Engineering Company, Presnell Insulation Co., Inc., Redco Corporation, Riley Power Inc., Rockwell Automation, Inc., R.T. Vanderbilt Holding Company, Inc., Rust Engineering & Construction, Inc., Rust International Inc., Saint-Gobain Abrasives, Inc., Schneider Electric USA, Inc., Sequoia Ventures Inc., Siemens Industry, Inc., Spence Engineering Company, Inc., Spirax Sarco, Inc., Standard Insulation Company of N.C., Inc., Starr Davis Company, Inc., Starr Davis Company of S.C., Inc., Thermo Electric Company, Inc., Union Carbide Corporation, Vanderbilt Minerals, LLC, Viking Pump, Inc., Vistra Intermediate Company LLC, Westrock Company, The William Powell Company, Zurn Industries, LLC.....Defendants,

of which

Michael David Scott, Sandra Strickland Link, Heather Donaghy, as Personal Representative of the Estate of Shirley Smiley Potter, deceased, and Asbestos Corporation Limited, by and through its court-appointed Receiver, Peter D. Protopapas, are the.....Respondents,

and

Certain Underwriters at Lloyd's, London, Certain London Market Insurance Companies, and Resolute Management Inc. are the.....Appellants.

**NONPARTY APPELLANTS CERTAIN UNDERWRITERS AT
LLOYD'S, LONDON, CERTAIN LONDON MARKET INSURANCE
COMPANIES, AND RESOLUTE MANAGEMENT INC.'S
DESIGNATION OF MATTER TO BE INCLUDED
IN THE RECORD ON APPEAL**

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Nonparty appellants Certain Underwriters at Lloyd's, London, certain London market insurance companies subscribing severally (not jointly) to certain excess policies insuring Asbestos Corporation Limited, and Resolute Management Inc. propose the following to be included in the Record on Appeal:

1. Order (Feb. 23, 2024);
2. Order on Plaintiffs' and Receiver's Motion for Sanctions and Contempt Against Resolute Management and Certain Underwriters of Lloyd's of London (Mar. 22, 2024);
3. Order of Supersedeas Staying Order for Daily Monetary Sanctions Contained in its Order for Sanctions Against Resolute Management and Certain Underwriters of Lloyd's of London (Mar. 27, 2024);
4. Order, *Link v. 3M Co.* and *Donaghy v. 3M Co.*, No. 2024-000342 (Ct. App. Apr. 12, 2024);
5. Order Holding Atlas Asbestos Company, Ltd. in Contempt, *Tibbs v. 3M Co.*, No. 2023-CP-40-01759 (Sept. 7, 2023);
6. Order on Plaintiffs' Motion to Appoint a Receiver, *Tibbs v. 3M Co.*, No. 2023-CP-40-01759 (Sept. 7, 2023);
7. Order on Motions for Stay, Motions to Dismiss, Motions to Strike, Motions for More Definite Statement, and Motion to Dissolve Receivership, *Mitchell v. 3M Co.*, No. 2022-CP-40-02979 (Feb. 23, 2024);
8. Order, *Mitchell v. 3M Co.*, No. 2024-000341 (Ct. App. Apr. 12, 2024);
9. Transcript of Motions Hearing (Mar. 13, 2024);
10. Affidavit of David Breslau (Mar. 11, 2024);
11. Affidavit of Richard Dufour (Aug. 31, 2023);
12. Notice of Appeal, *Link v. 4520 Corp., Inc.*, No. 2022-CP-40-05543 (Mar. 4, 2024);
13. Notice of Appeal, *Donaghy v. 4520 Corp., Inc.*, No. 2022-CP-40-03108 (Mar. 4, 2024);
14. The Receiver for Asbestos Corporation Limited and Atlas Turner, Inc.'s Motion to Impose Sanctions on Certain Underwriters at Lloyds of London (Mar. 7, 2024);
15. Receiver's Sanctions Motion Certificate of Electronic Notification (Mar. 7, 2024);
16. Plaintiffs' Motion for Sanctions and an Order of Contempt (Mar. 7, 2024);
17. Plaintiffs' Sanctions Motion Certificate of Electronic Notification (Mar. 7, 2024);
18. The Receiver for Asbestos Corporation Limited's Notice of Filing of Subpoena to Underwriters at Lloyd's London (Mar. 8, 2024);
19. The Receiver for Asbestos Corporation Limited's Notice of Filing of Service of Notice of Hearing on March 13, 2023 Upon Underwriters at Lloyd's London (Mar. 11, 2024);

20. Certain London Market Insurers' Combined Opposition to the Receiver's Motion for Sanctions and Plaintiffs' Motion for Sanctions and an Order of Contempt (Mar. 11, 2024);
21. Proposed Order on Plaintiffs' and Receiver's Motion for Sanctions and Contempt Against Resolute Management and Certain Underwriters of Lloyd's of London (Mar. 15, 2024);
22. The Receiver's Response to Motion for Writ of Supersedeas (Mar. 27, 2024);
23. Asbestos Corporation Ltd. Memorandum in Opposition to Motion for Contempt, to Strike Answer and Appoint a Receiver, *Tibbs v. 3M Co.*, No. 2023-CP-40-01759 (Aug. 9, 2023);
24. Notice of Appeal, *Tibbs v. 3M Co.*, No. 2023-CP-40-01759 (Sept. 13, 2023);
25. Travelers' Petition for Rehearing, *Childers v. Davis Mech. Contractors*, No. 2024-000005 (S.C. Sup. Ct. Apr. 11, 2024).

Undersigned counsel certifies that this designation contains no matter that is irrelevant to this appeal.

Respectfully submitted,

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April 18, 2024

Charleston, South Carolina