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**Apr 26 2024**

**SC Court of Appeals**

**EXHIBIT A**

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND  
JOHN A. TIBBS AND MARGARET B.  
TIBBS,

Plaintiffs,

vs.

3M COMPANY, *et al.*,

Defendants.

\*\*\*\*\*

CAPE PLC, individually and as successor in  
interest to CAPE ASBESTOS COMPANY  
LIMITED, by and through its duly appointed  
Receiver Peter D. Protopapas,

Third-Party Plaintiffs,

vs.

ANGLO AMERICAN PLC, individually and  
as successor in interest to ANGLO  
AMERICAN CORPORATION OF SOUTH  
AFRICA LTD.; DE BEERS PLC; DE BEERS  
CENTENARY AG; DE BEERS  
CONSOLIDATED MINES LTD.; DE BEERS  
S.A.; DE BEERS UK LTD.; DE BEERS  
JEWELLERS LTD.; DE BEERS  
JEWELLERS US, INC.; ANGLO  
AMERICAN US HOLDINGS INC.;  
ELEMENT SIX US CORP.; ELEMENT SIX  
TECHNOLOGIES US CORP.; ELEMENT  
SIX TECHNOLOGIES (OR) CORP.; FIRST  
MODE HOLDINGS, INC.; PLATINUM  
GUILD INTERNATIONAL (U.S.A.)  
JEWELRY INC.; LIGHTBOX JEWELRY  
INC.; FOREVERMARK US INC.; ANGLO  
AMERICAN CROP NUTRIENTS (U.S.A.),  
LLC; CHARTER CONSOLIDATED LTD.;  
ESAB CORPORATION; CENTRAL  
MINING & INVESTMENT CORPORATION  
LTD.; CAPE HOLDCO LTD.; THE LAW

IN THE COURT OF COMMON PLEAS  
FOR THE FIFTH JUDICIAL CIRCUIT

C/A No. 2023-CP-40-01759

In Re:  
Asbestos Personally Injury Litigation  
Coordinated Docket

**THE RECEIVER FOR CAPE'S  
RESPONSES AND OBJECTIONS TO  
THIRD-PARTY DEFENDANT DE BEERS  
CONSOLIDATED MINES PROPRIETARY  
LIMITED'S FIRST SET OF  
INTERROGATORIES**

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DEBENTURE CORPORATION PLC; CAPE INDUSTRIAL SERVICES GROUP LTD.; MOHED ALTRAD; ALTRAD UK LTD.; CAPE UK HOLDINGS NEWCO LTD.; ALTRAD SERVICES LTD., f/k/a CAPE INDUSTRIAL SERVICES LTD.; ALTRAD INVESTMENT AUTHORITY S.A.S.; SPARROWS OFFSHORE GROUP LTD.; HAWK BIDCO US INC.; ARRANCO US, LLC; SPARROWS OFFSHORE, LLC; THE SPARROWS GROUP, LLC,

Third-Party Defendants.

NOW COMES, Third-Party Plaintiff the Receiver for Cape PLC, individually and as successor in interest to Cape Asbestos Company Ltd., n/k/a Cape Intermediate Holdings Ltd. (hereinafter, the “Receiver”), by and through the undersigned counsel of record, and pursuant to Rules 26 and 33 of the South Carolina Rules of Civil Procedure, and answers the First Set of Interrogatories (the “Interrogatories”) of De Beers Consolidated Mines Proprietary Limited (“You”) as follows:

**INTRODUCTORY OBJECTIONS AND ANSWERS**

A. In preparing these responses, the Receiver has undertaken a reasonable investigation of the information in his possession, custody, and control. However, only limited information is available to the Receiver regarding the subject of these requests, and these responses are based on information presently available to the Receiver.

B. Because the Receiver’s investigation is ongoing, the Receiver’s responses to the First Set of Interrogatories shall be without prejudice to his right to present supplemental and amended information at a later date.

C. The Receiver objects to the First Set of Interrogatories as overbroad, unduly burdensome, and oppressive. The First Set of Interrogatories are also compound in some instances, vague, and have overlapping subject matters.

D. The Receiver objects to the First Set of Interrogatories because they seek information and/or documents that are protected by privilege or protection, including but not limited to the attorney-client privilege and/or the work product doctrine. The Receiver hereby asserts all applicable privileges and protections with respect to such information and/or documents.

E. No response to an interrogatory is an admission that the information stated in the response to an interrogatory is relevant to the issues in the case or that such subject matter is admissible at trial or for any other purpose. The Receiver reserves all objections on the basis of relevance or inadmissibility on other grounds.

F. The Receiver objects to the Interrogatories, including the Instructions and Definitions, to the extent that they seek information solely in the possession, custody, or control of any entity not a party in this lawsuit, or otherwise that is not in the possession, custody, or control of the Receiver.

G. The Receiver objects to the instructions and definitions provided with these Interrogatories on the basis that such definitions are overly broad, vague, and often inconsistent with the normal usage and meaning of the words. The instructions purport to impose obligations on the Receiver beyond those contemplated by the South Carolina Rules of Civil Procedure. The Receiver gives notice that he does not consider himself bound by the instructions and definitions propounded and instead shall answer the First Set of Interrogatories in a manner that is consistent with the normal usage and meaning of the language utilized in the requests.

H. The First Set of Interrogatories is also overbroad, unduly burdensome, and oppressive because it requests information that is not, or may never have been, within the personal knowledge, possession, or control of the Receiver, or that can only be attempted to be ascertained or derived through a burdensome review of documents. There is no compilation, abstract, or summary relating to the First Set of Interrogatories, and the burden of deriving or ascertaining a response to most of the Interrogatories is substantially the same for You as it is for the Receiver.

I. The Receiver objects to the Interrogatories, including the Instructions and Definitions, to the extent that they request information without any temporal limitation and/or seek to impose a burden on the Receiver that is not proportional to the needs of the case. The Receiver will undertake a reasonable and proportional search for information.

J. Discovery is ongoing in this proceeding, with Third-Party Defendants having continuing obligations to provide information in response to the Receiver's discovery requests that may further inform the Receiver's responses.

K. Each of the following specific responses and objections are subject to and modified by these Introductory Objections and Responses as if the Introductory Objections and Responses were fully set forth herein, notwithstanding the absence of express reference to Introductory Objections and Responses in each with such specific objection and answer.

L. The Receiver objects to the First Set of Interrogatories to the extent any Interrogatory contains subparts, which themselves constitute separate interrogatories for purposes of calculating the number of interrogatories issued by a party pursuant to Rule 33(b)(9) of the South Carolina Rules of Civil Procedure.

M. The Receiver objects to the First Set of Interrogatories to the extent they seek to improperly reverse the burden(s) of proof, or to the extent they seek to excuse Your own responsibility to provide information responsive to the Receiver's discovery requests.

## RESPONSES TO INTERROGATORIES

**INTERROGATORY NO. 1:** Identify all Persons who have, claim to have, or You believe may have in their possession, custody or control Documents or Information relating to any fact alleged in the Third-Party Complaint.

**ANSWER:** The Receiver objects to this Interrogatory as requiring the identification of information in the possession, custody, or control of You or any other Third-Party Defendant, but not yet produced to the Receiver in response to pending or future discovery requests, or otherwise is obtainable from some other source that is more convenient, less burdensome, or less expensive. Receiver objects to this Interrogatory as vague and ambiguous, including to the extent it defines “Information” to mean the same as “Documents” and uses the phrase “relating to any fact alleged.” The Receiver further objects to this Interrogatory as overbroad, unduly burdensome, and expensive taking into account the needs of the case, including to the extent it requires the Receiver to identify “all” persons “who have, claim to have, or You believe may have” such information or documents.

Subject to the general and specific objections herein, and responding pursuant to Rule 33(c), SCRCF, the Receiver identifies You along with the other recalcitrant Third-Party Defendants and further refers You to the allegations of and documents referenced in the Third-Party Complaint dated June 30, 2023, or included as a part of any filings with the Court or in correspondence between the parties or their counsel, or as otherwise referenced in the Receiver’s trial exhibit list dated March 25, 2024. The Receiver further reserves the right to supplement this response as it secures discovery information from the recalcitrant Third-Party Defendants.

**INTERROGATORY NO. 2:** Describe in detail the nature and substance of the Documents or Information who the Person(s) identified in response to Interrogatory Number 1 have, claim to have, or You believe may have in their possession.

**ANSWER:** The Receiver objects to this Interrogatory as requiring the identification of information in the possession, custody, or control of You or any other Third-Party Defendant, but not yet produced to the Receiver in response to pending or future discovery requests, or otherwise is obtainable from some other source that is more convenient, less burdensome, or less expensive. Receiver objects to this Interrogatory as vague and ambiguous, including to the extent it defines “Information” to mean the same as “Documents” and uses the phrase “detail the nature and substance.” The Receiver further objects to this Interrogatory as overbroad, unduly burdensome, and expensive taking into account the needs of the case, including to the extent it requires the Receiver to describe actual or potential sources of information “in detail.”

Subject to the general and specific objections herein, and responding pursuant to Rule 33(c), SCRPC, the Receiver refers You to the allegations of and documents referenced in the Third-Party Complaint dated June 30, 2023, or included as a part of any filings with the Court or in correspondence between the parties or their counsel, or as otherwise referenced in the Receiver’s trial exhibit list dated March 25, 2024. The Receiver further reserves the right to supplement this response as it secures discovery information from the recalcitrant Third-Party Defendants

**INTERROGATORY NO. 3:** Give the names and addresses of persons known to the parties or counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

**ANSWER:** The Receiver objects to this Interrogatory as requiring the identification of information in the possession, custody, or control of You or any other Third-Party Defendant, but not yet produced to the Receiver in response to pending or future discovery requests, or otherwise is obtainable from some other source that is more convenient, less burdensome, or less expensive.

The Receiver objects to this Interrogatory as vague and ambiguous, including to the extent it uses the phrases “to be witnesses” and “concerning the facts of the case.” The Receiver further objects to this Interrogatory as overbroad, unduly burdensome, and expensive taking into account the needs of the case, including to the extent it seeks information not necessary for the Receiver to prove his claims and entitlement to the relief requested against You and any other Oppenheimer Third-Party Defendant. The Receiver further objects to this Interrogatory to the extent it imposes any obligation beyond that imposed by the South Carolina Rules of Civil Procedure, the Local Rules, or any other order of this Court. The Receiver further objects to this Interrogatory as premature. The Receiver further objects to this Interrogatory to the extent that it requests information protected by the attorney-client privilege and/or work-product doctrine.

Subject to the general and specific objections herein, the Receiver identifies the following persons currently known to be witnesses concerning the facts of the case:

1. **Geoffrey Tweedale, Ph.D.**, former Professor of Business History at the Manchester Metropolitan University Business School. At this time, Dr. Tweedale is expected to offer expert testimony regarding the history and business practices of asbestos-related enterprises in Europe and southern Africa.
2. **Barry Castleman, Ph.D.** At this time, Dr. Castleman is expected to offer expert testimony regarding the history and business practices of asbestos-related enterprises in the United States and their effects on individuals in the United States, including in South Carolina.
3. **Steven Press, Ph.D.**, Associate Professor at the Stanford University, Department of History. At this time, Dr. Press is expected to offer expert testimony regarding the history and business practices of mining enterprises in Europe and southern Africa.

4. **Jim Buxton, Esq.**, Founding Partner at Buxton & Collie, LLC. At this time, Mr. Buxton is expected to offer expert testimony regarding related to alter-ego or veil-piercing liability.
5. **Eric Talley, Ph.D.**, Isidor and Seville Sulzbacher Professor of Law at the Columbia Law School. At this time, Dr. Talley is expected to offer expert testimony regarding the nature and purposes of limited liability and corporate affiliate structures, and the cost-benefit case for limited liability within the affiliate structures at issue.
6. **Peter Protopapas, Esq.**, as duly appointed receiver for Cape PLC, individually and as successor in interest for Cape Asbestos Company Ltd., n/k/a Cape Intermediate Holdings Ltd. At this time, Mr. Protopapas is expected to testify regarding the ongoing nature of Cape's liability avoidance scheme and the basis for equitable relief against the Third-Party Defendants.

The Receiver further refers You to any other "witnesses" identified in other Third-Party Defendants' responses to discovery.

**INTERROGATORY NO. 4:** Provide a summary of all facts and information known by each witness identified in Interrogatory Number 3 relevant to the claims and defenses in this Action.

**ANSWER:** The Receiver objects to this Interrogatory as requiring the identification of information in the possession, custody, or control of You or any other Third-Party Defendant, but not yet produced to the Receiver in response to pending or future discovery requests, or otherwise is obtainable from some other source that is more convenient, less burdensome, or less expensive. The Receiver objects to this Interrogatory as vague and ambiguous, including to the extent it uses the phrases "summary" and "facts and information known." The Receiver further objects to this Interrogatory as overbroad, unduly burdensome, and expensive taking into account the needs of the case, including to the extent it seeks information not necessary for the Receiver to prove his claims and entitlement to the relief requested against You and any other Oppenheimer Third-Party

Defendant. The Receiver further objects to this Interrogatory to the extent it imposes any obligation beyond that imposed by the South Carolina Rules of Civil Procedure, the Local Rules, or any other order of this Court. The Receiver further objects to this Interrogatory as premature. The Receiver further objects to this Interrogatory to the extent that it requests information protected by the attorney-client privilege and/or work-product doctrine.

Subject to the general and specific objections herein, the Receiver incorporates its response to Interrogatory No. 3.

**INTERROGATORY NO. 5:** Identify all Persons whom You expect to call as an expert witness at any hearing or trial in this Action regarding any fact alleged in the Third-Party Complaint.

**ANSWER:** The Receiver objects to this Interrogatory as vague and ambiguous, including to the extent it uses the phrases “expert witness” and “any fact alleged.” The Receiver further objects to this Interrogatory to the extent it imposes any obligation beyond that imposed by the South Carolina Rules of Civil Procedure, the Local Rules, or any other order of this Court. The Receiver further objects to this Interrogatory as premature. The Receiver further objects to this Interrogatory to the extent that it requests information protected by the attorney-client privilege and/or work-product doctrine.

Subject to the general and specific objections herein, the Receiver incorporates its response to Interrogatory No. 3.

**INTERROGATORY NO. 6:** For each expert You identified in response to Interrogatory Number 5, describe in detail the subject matter on which the expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify, the grounds for each of the experts’ opinions, and the qualifications and professional background of the expert.

**ANSWER:** The Receiver objects to this Interrogatory as vague and ambiguous, including to the extent it uses the phrases “subject matter,” “substance of the facts and opinions,” and “grounds.” The Receiver further objects to this Interrogatory to the extent it imposes any obligation beyond that imposed by the South Carolina Rules of Civil Procedure, the Local Rules, or any other

order of this Court. The Receiver further objects to this Interrogatory as premature. The Receiver further objects to this Interrogatory to the extent that it requests information protected by the attorney-client privilege and/or work-product doctrine.

Subject to the general and specific objections herein, the Receiver incorporates its response to Interrogatory No. 4.

**INTERROGATORY NO. 7:** Identify the Entity purportedly placed in receivership pursuant to the Circuit Court’s Order of Appointment of Receiver, issued March 17, 2023, in *Park, et al. v. Armstrong International, Inc., et al.*, Case No. 2021-CP-40-02727.

**ANSWER:** The Receiver objects to this Interrogatory as vague and ambiguous, including to the extent it uses the phrase “purportedly placed in receivership.”

Subject to the general and specific objections herein, and responding pursuant to Rule 33(c), SCRCP, the Receiver has produced or will produce non-privileged documents responsive to this Interrogatory in the Receiver’s possession, custody, or control. The Receiver further refers You to the allegations of and documents referenced in the Third-Party Complaint dated June 30, 2023, or included as a part of any filings with the Court or in correspondence between the parties or their counsel, or as otherwise referenced in the Receiver’s trial exhibit list dated March 25, 2024. The Receiver further refers specifically to paragraph 113 of the Third-Party Complaint as identifying the relevant corporate history of the entity actually placed in receivership pursuant to the Court’s March 17, 2023 Order of Appointment of Receiver. The Receiver further states that entity is organized under the laws of England and currently named as Cape Intermediate Holdings Ltd., and previously named Cape Asbestos Company Ltd. for approximately 81 years (1893–1974) and Cape PLC for approximately 22 years (1989–2011), while still being commonly known or referred to as “Cape” or “Cape PLC.” The Receiver further states that that the Court has already ruled that entity at issue and in receivership—Cape PLC, n/k/a Cape Intermediate Holdings Ltd.—

was properly served in the Park action and provided notice of the resulting motion to appoint a receiver. *See* Order Denying Dissolution Mot. (Dec. 6, 2023) at 19.

**INTERROGATORY NO. 8:** Do You contend that the Entity identified in response to Interrogatory Number 7 was insolvent on or after March 17, 2023? If so, state all facts You rely upon in support of Your contention.

**ANSWER:** The Receiver objects to this Interrogatory as vague and ambiguous, including to the extent it uses the phrase “insolvent.” The Receiver further objects to this Interrogatory as overbroad, unduly burdensome, and expensive taking into account the needs of the case, including to the extent it seeks information not necessary for the Receiver to prove his claims and entitlement to the relief requested against You and any other Oppenheimer Third-Party Defendant.

Subject to the general and specific objections herein, the Receiver states that it does not contend as part of its claims that Cape, as organized under the laws of England, is insolvent on or after March 17, 2023 (through today). The Receiver further incorporates the responses to Interrogatory No. 10, Interrogatory No. 11, and Interrogatory No. 12.

**INTERROGATORY NO. 9:** Do You contend that the Entity identified in response to Interrogatory Number 7 was dissolved on or after March 17, 2023? If so, state all facts You rely upon in support of Your contention.

**ANSWER:** The Receiver objects to this Interrogatory as vague and ambiguous, including to the extent it uses the phrase “dissolved.” The Receiver further objects to this Interrogatory as overbroad, unduly burdensome, and expensive taking into account the needs of the case, including to the extent it seeks information not necessary for the Receiver to prove his claims and entitlement to the relief requested against You and any other Oppenheimer Third-Party Defendant.

Subject to the general and specific objections herein, the Receiver states that it does not contend as part of its claims that Cape was dissolved on or after March 17, 2023 (through today). The Receiver further responds by noting that the Court has likewise acknowledged that the Appointment Order “incorrectly described Cape as ‘dissolved,’ even though Cape is still a going

concern in the United Kingdom,” while clarifying the record that such error was harmless, because it “does not impact the legality of the Receivership, as dissolution of the entity placed in receivership is not required under subsection (5).” Order Denying Dissolution Mot. (Dec. 6, 2023), at 25 n.16. The Receiver further notes that North American Asbestos Corporation, as the U.S.-based agent of Cape, was dissolved previously. The Receiver further incorporates the responses to Interrogatory No. 10, Interrogatory No. 11, and Interrogatory No. 12.

**INTERROGATORY NO. 10:** Do You contend that the Entity identified in response to Interrogatory Number 7 was “in imminent danger of insolvency” (within the meaning of S.C. Code § 15-65-10(4)) on or after March 17, 2023? If so, state all facts You rely upon in support of Your contention.

**ANSWER:** The Receiver objects to this Interrogatory as vague and ambiguous, including to the extent it uses the phrase “imminent danger of insolvency.” The Receiver further objects to this Interrogatory as overbroad, unduly burdensome, and expensive taking into account the needs of the case, including to the extent it seeks information not necessary for the Receiver to prove his claims and entitlement to the relief requested against You and any other Oppenheimer Third-Party Defendant.

Subject to the general and specific objections herein, the Receiver states that it does not contend as part of its claims that Cape was in imminent danger of insolvency on or after March 17, 2023 (through today). Cape’s own disclosures make clear, however, that it never intends to respond to U.S. litigation in the future, because that would purportedly “have a materially adverse effect on the financial status of the Group and almost certainly result in insolvency proceedings.” Ex. 1286, at 65, as quoted by Order Denying Dissolution Mot. (Dec. 6, 2023) at 16. The Receiver further reserves the right to supplement this response as it secures discovery information from the recalcitrant Third-Party Defendants.

**INTERROGATORY NO. 11:** Do You contend that the Entity identified in response to Interrogatory Number 7 had “forfeited its corporate rights” (within the meaning of S.C. Code § 15-65-10(4)) on or after March 17, 2023? If so, state all facts You rely upon in support of Your contention.

**ANSWER:** The Receiver objects to this Interrogatory as vague and ambiguous, including to the extent it uses the phrase “facts You rely upon.” The Receiver further objects to this Interrogatory as overbroad, unduly burdensome, and expensive taking into account the needs of the case, including to the extent it seeks information not necessary for the Receiver to prove his claims and entitlement to the relief requested against You and any other Oppenheimer Third-Party Defendant.

Subject to the general and specific objections herein, the Receiver states that Cape forfeited its corporate rights within the meaning of S.C. Code § 15-65-10(4) by implementing—and continuing to this day—a scheme of refusing to respond to litigation in the State of South Carolina, in an effort to avoid its liabilities and obligations to its creditors, who allege they have been made sick or suffered deaths of kin due to asbestos sold by Cape. Accordingly, Cape is subject to a “loss of a right, privilege, or property because of a crime, breach of obligation, or neglect of duty.” *E.g.*, Black’s Law Dictionary (11th ed. 2019), *forfeiture*.

**INTERROGATORY NO. 12:** Do You contend that the Court’s appointment of a receiver over the Entity identified in response to Interrogatory Number 7 was “in accordance with [] existing practice” (within the meaning of S.C. Code § 15-65-10(5))? If so, state all facts You rely upon in support of Your contention, including by Identifying all prior instances of receiver appointments You contend are consistent with the appointment of a receiver over the Entity identified in response to Interrogatory Number 7 and an explanation for why You contend they are consistent.

**ANSWER:** The Receiver objects to this Interrogatory as vague and ambiguous, including to the extent it uses the phrase “instances of receiver appointments.” The Receiver further objects to this Interrogatory as overbroad, unduly burdensome, and expensive taking into account the needs of the case, including to the extent it seeks information not necessary for the Receiver to prove his claims and entitlement to the relief requested against You and any other Oppenheimer

Third-Party Defendant, and to the extent this Interrogatory asks for “all prior instances of receiver appointments . . . consistent with the appointment of a receiver” for Cape.

Subject to the general and specific objections herein, the Receiver states that the appointment of a receiver for Cape is in accordance with “existing practice” under S.C. Code § 15-65-10(5). In support of that position, the Receiver further refers to relevant portions of the Court’s Appointment Order dated March 17, 2023; Third-Party Plaintiff’s Omnibus Opposition to Motions to Dissolve dated October 18, 2023; and the Court’s Order Denying Certain and Third-Party Defendants’ Motions to Dissolve Receivership and Third-Party Defendants’ Motions to Dismiss for Lack of Personal Jurisdiction dated December 6, 2023, including this ruling of the Court:

[A]ppointment of a Receiver over Cape was proper under subsection (5) based on evidence of Cape’s long-running, intentional scheme to evade its tort creditors by refusing to appear in the United States, including in South Carolina. Subsection (5) reflects an “old practice” of equity and “important principle of law” to correct injustice which is particularly applicable to Cape given its efforts “to defeat [its] creditors by an act or course of conduct which indicates moral fraud—a conscious intent to defeat, delay, or hinder his creditors in the collection of their debts.” *Virginia-Carolina Chem. Co. v. Hunter*, 84 S.C. 214, 66 S.E. 177, 179 (1909) (citing *Miller v. Hughes*, 33 S.C. 530, 12 S.E. 419 (1890)). Because Cape set its numerous tort creditors, including the Park Plaintiffs, “at arm’s length by refusing . . . to take any interest in the satisfaction of their claims,” there was a “prima facie case . . . warranting the appointment of a receiver.” *Id.* at 180.

South Carolina jurisprudence, particularly in recent years, provides widespread evidence of an “existing practice” of appointing a receiver—even in the absence of a judgment—where the Court is concerned that the party at issue may move assets and avoid litigation. This Court has appointed numerous receivers for this reason in the context of the asbestos docket, and one need look no further than other dockets in this State, such as the appointment of co-receivers for defendant Richard Alexander Murdaugh, for additional evidence of an “existing practice” in this State. Here, given Cape’s stated litigation-avoidance strategy, which the Court has no reason to believe Cape would abandon in order to respond to

the Park lawsuit, there were ample legal, equitable, and/or public policy concerns to warrant the appointment of a receiver over Cape.

Order Denying Dissolution Mot. (Dec. 6, 2023) at 24–25.

**INTERROGATORY NO. 13:** Identify every creditor of Cape PLC located in South Carolina, including the nature of each debt owed and the total amount of each debt.

**ANSWER:** The Receiver objects to this Interrogatory as requiring the identification of information in the possession, custody, or control of You or any other Third-Party Defendant, but not yet produced to the Receiver in response to pending or future discovery requests, or otherwise is obtainable from some other source that is more convenient, less burdensome, or less expensive. The Receiver objects to this Interrogatory as vague and ambiguous, including to the extent it uses the phrases “creditor of Cape PLC,” “located in South Carolina,” and “nature of each debt.” The Receiver further objects to this Interrogatory as overbroad, unduly burdensome, and expensive taking into account the needs of the case, including to the extent it seeks information not necessary for the Receiver to prove his claims and entitlement to the relief requested against You and any other Oppenheimer Third-Party Defendant.

Subject to the general and specific objections herein, and responding pursuant to Rule 33(c), SCRPC, the Receiver identifies Keith W. Park (individually and as the Personal Representative of the Estate of Isabella Park) and John A. Tibbs and Margaret B. Tibbs as creditors of Cape with respect to Cape’s alleged liability for bodily injury pleaded in actions brought in the State of South Carolina (action numbers 2021-CP-40-02727 and 2023-CP-40-01759, respectively). The Receiver further reserves the right to supplement this response.

**INTERROGATORY NO. 14:** Identify all property of Cape PLC located in South Carolina.

**ANSWER:** The Receiver objects to this Interrogatory as requiring the identification of information in the possession, custody, or control of You or any other Third-Party Defendant, but not yet produced to the Receiver in response to pending or future discovery requests, or otherwise

is obtainable from some other source that is more convenient, less burdensome, or less expensive. The Receiver objects to this Interrogatory as vague and ambiguous, including to the extent it uses the phrases “all property” and “located.” The Receiver further objects to this Interrogatory as overbroad, unduly burdensome, and expensive taking into account the needs of the case, including to the extent it requires the Receiver to identify “all” responsive information, and to the extent it seeks information not necessary for the Receiver to prove his claims and entitlement to the relief requested against You and any other Oppenheimer Third-Party Defendant.

Subject to the general and specific objections herein, and responding pursuant to Rule 33(c), SCRCP, the Receiver has produced or will produce non-privileged documents responsive to this Interrogatory in the Receiver’s possession, custody, or control. The Receiver further refers You to the allegations of and documents referenced in the Third-Party Complaint dated June 30, 2023, or included as a part of any filings with the Court or in correspondence between the parties or their counsel, or as otherwise referenced in the Receiver’s trial exhibit list dated March 25, 2024. The Receiver further responds reserves the right to supplement this response as it secures discovery information from the recalcitrant Third-Party Defendants.

**INTERROGATORY NO. 15:** Identify all property that is the subject of this Action.

**ANSWER:** The Receiver objects to this Interrogatory as requiring the identification of information in the possession, custody, or control of You or any other Third-Party Defendant, but not yet produced to the Receiver in response to pending or future discovery requests, or otherwise is obtainable from some other source that is more convenient, less burdensome, or less expensive, including to the extent implicating property that would be subject of a constructive trust or for which Third-Party Defendants have been unjustly enriched. The Receiver objects to this Interrogatory as vague and ambiguous, including to the extent it uses the phrases “all property”

and “subject of this Action.” The Receiver further objects to this Interrogatory as overbroad, unduly burdensome, and expensive taking into account the needs of the case, including to the extent it requires the Receiver to identify “all” responsive information, and to the extent it seeks information not necessary for the Receiver to prove his claims and entitlement to the relief requested against You and any other Oppenheimer Third-Party Defendant.

Subject to the general and specific objections herein, and responding pursuant to Rule 33(c), SCRCP, the Receiver has produced or will produce non-privileged documents responsive to this Interrogatory in the Receiver’s possession, custody, or control. The Receiver further refers You to the allegations of and documents referenced in the Third-Party Complaint dated June 30, 2023, or included as a part of any filings with the Court or in correspondence between the parties or their counsel, or as otherwise referenced in the Receiver’s trial exhibit list dated March 25, 2024. The Receiver further responds reserves the right to supplement this response as it secures discovery information from the recalcitrant Third-Party Defendants.

**INTERROGATORY NO. 16:** Identify all Information supporting Your allegation that Anglo American plc is “successor in interest to Anglo American Corporation of South Africa Ltd.” (*See* Third-Party Compl. ¶ 2).

**ANSWER:** The Receiver objects to this Interrogatory as requiring the identification of information in the possession, custody, or control of You or any other Third-Party Defendant, but not yet produced to the Receiver in response to pending or future discovery requests, or otherwise is obtainable from some other source that is more convenient, less burdensome, or less expensive. The Receiver objects to this Interrogatory as vague and ambiguous, including to the extent it uses the phrase “supporting Your allegation.” The Receiver further objects to this Interrogatory as overbroad, unduly burdensome, and expensive taking into account the needs of the case, including to the extent it requires the Receiver to identify “all” responsive information.

Subject to the general and specific objections herein, and responding pursuant to Rule 33(c), SCRCP, the Receiver has produced or will produce non-privileged documents responsive to this Interrogatory in the Receiver's possession, custody, or control. The Receiver further refers You to the allegations of and documents referenced in the Third-Party Complaint dated June 30, 2023, or included as a part of any filings with the Court or in correspondence between the parties or their counsel, or as otherwise referenced in the Receiver's trial exhibit list dated March 25, 2024, including without limitation Ex. 95, Ex. 96, Ex. 97, Ex. 1285, Ex. 2343, Ex. 2493, and Ex. 2532. *See also, e.g.,* <https://www.angloamerican.com/about-us/history#/EN/category-complete-history> (Anglo American PLC touting its "100 years of evolution" and "100-year existence," as well as its partnership with the British South Africa Company, as merged into Charter in 1965). The Receiver further reserves the right to supplement this response as it secures discovery information from the recalcitrant Third-Party Defendants.

**INTERROGATORY NO. 17:** Identify all Information supporting Your allegation that "Cape PLC is the successor in interest to Cape Industries Ltd." (*See* Third-Party Compl. ¶ 40).

**ANSWER:** The Receiver objects to this Interrogatory as requiring the identification of information in the possession, custody, or control of You or any other Third-Party Defendant, but not yet produced to the Receiver in response to pending or future discovery requests, or otherwise is obtainable from some other source that is more convenient, less burdensome, or less expensive. The Receiver objects to this Interrogatory as vague and ambiguous, including to the extent it uses the phrase "supporting Your allegation." The Receiver further objects to this Interrogatory as overbroad, unduly burdensome, and expensive taking into account the needs of the case, including to the extent it requires the Receiver to identify "all" responsive information.

Subject to the general and specific objections herein, and responding pursuant to Rule 33(c), SCRCP, the Receiver has produced or will produce non-privileged documents responsive

to this Interrogatory in the Receiver's possession, custody, or control. The Receiver further refers You to the allegations of and documents referenced in the Third-Party Complaint dated June 30, 2023, or included as a part of any filings with the Court or in correspondence between the parties or their counsel, or as otherwise referenced in the Receiver's trial exhibit list dated March 25, 2024, including without limitation Ex. 1276, Ex. 1281, Ex. 1282, Ex. 1283, and Ex. 1293. The Receiver further refers to paragraph 113 of the Third-Party Complaint ("Changes to Cape"), which states:

Since the 1970s, Cape Asbestos Company Ltd. has undergone several changes to its organization, including (i) changing its name to Cape Industries Ltd. in 1974 (i.e., removing "Asbestos" from its name, soon after the onset of asbestos products-liability litigation); (ii) re-registering as a public company and changing its name to Cape Industries PLC in 1981; (iii) shortening its name to Cape PLC in 1989; (iv) changing its name to Cape Intermediate Holdings PLC in 2011; and (v) re-registering as a private company to become Cape Intermediate Holdings Ltd. in 2013.

The Receiver further incorporates its response to Interrogatory No. 7.

**INTERROGATORY NO. 18:** Identify all Information supporting Your allegation that "substantial quantities" of asbestos fiber sold by Cape PLC were used in South Carolina. (*See* Third-Party Compl. ¶ 40).

**ANSWER:** The Receiver objects to this Interrogatory as requiring the identification of information in the possession, custody, or control of You or any other Third-Party Defendant, but not yet produced to the Receiver in response to pending or future discovery requests, or otherwise is obtainable from some other source that is more convenient, less burdensome, or less expensive. The Receiver objects to this Interrogatory as vague and ambiguous, including to the extent it uses the phrases "supporting Your allegation," "asbestos fiber," "sold by Cape PLC," and "were used in South Carolina." The Receiver further objects to this Interrogatory as overbroad, unduly burdensome, and expensive taking into account the needs of the case, including to the extent it requires the Receiver to identify "all" responsive information, and to the extent it seeks information

not necessary for the Receiver to prove his claims and entitlement to the relief requested against You and any other Oppenheimer Third-Party Defendant.

Subject to the general and specific objections herein, and responding pursuant to Rule 33(c), SCRCP, the Receiver has produced or will produce non-privileged documents responsive to this Interrogatory in the Receiver's possession, custody, or control. The Receiver further refers You to the allegations of and documents referenced in the Third-Party Complaint dated June 30, 2023, or included as a part of any filings with the Court or in correspondence between the parties or their counsel, or as otherwise referenced in the Receiver's trial exhibit list dated March 25, 2024, including without limitation Ex. 28, Ex. 29, Ex. 30, Ex. 31, Ex. 32, Ex. 33, Ex. 34, Ex. 35, Ex. 36, Ex. 37, Ex. 38, Ex. 39, Ex. 1276, Ex. 1659, and Ex. 1663. The Receiver further reserves the right to supplement this response as it secures discovery information from the recalcitrant Third-Party Defendants.

**INTERROGATORY NO. 19:** Identify all Information supporting Your allegation that each of the Anglo American-De Beers Defendants “[f]ail[ed] to follow corporate formalities among affiliated entities,” including identification of each instance (by entity) when a corporate formality was not observed and explanation of how the alleged failure to follow corporate formalities relates to the Tibbs Plaintiffs’ claims. (*See* Third-Party Compl. ¶ 43).

**ANSWER:** The Receiver objects to this Interrogatory as requiring the identification of information in the possession, custody, or control of You or any other Third-Party Defendant, but not yet produced to the Receiver in response to pending or future discovery requests, or otherwise is obtainable from some other source that is more convenient, less burdensome, or less expensive. The Receiver objects to this Interrogatory as vague and ambiguous, including to the extent it uses the phrases “supporting Your allegation,” “corporate formality,” and “how the alleged failure to follow corporate formalities relates to the Tibbs Plaintiffs’ claims.” The Receiver further objects to this Interrogatory as overbroad, unduly burdensome, and expensive taking into account the

needs of the case, including to the extent it requires the Receiver to identify “all” responsive information, and to the extent it seeks information not necessary for the Receiver to prove his claims and entitlement to the relief requested against You and any other Oppenheimer Third-Party Defendant.

Subject to the general and specific objections herein, and responding pursuant to Rule 33(c), SCRCP, the Receiver has produced or will produce non-privileged documents responsive to this Interrogatory in the Receiver’s possession, custody, or control. The Receiver further refers You to the allegations of and documents referenced in the Third-Party Complaint dated June 30, 2023, or included as a part of any filings with the Court or in correspondence between the parties or their counsel, or as otherwise referenced in the Receiver’s trial exhibit list dated March 25, 2024, including without limitation Ex. 4, Ex. 7, Ex. 12, Ex. 13, Ex. 14, Ex. 15, Ex. 16, Ex. 20, Ex. 29, Ex. 51, Ex. 55, Ex. 56, Ex. 57, Ex. 58, Ex. 59, Ex. 70, Ex. 71, Ex. 72, Ex. 2495, Ex. 2501, Ex. 2511, and Ex. 2536. The Receiver further incorporates its responses to Interrogatory No. 1, Interrogatory No. 2, Interrogatory No. 3, Interrogatory No. 4, and Interrogatory No. 10 of Third-Party Defendant De Beers PLC’s First Set of Interrogatories. The Receiver further reserves the right to supplement this response as it secures discovery information from the recalcitrant Third-Party Defendants.

**INTERROGATORY NO. 20:** Identify all Information supporting Your allegation that each of the Anglo American-De Beers Defendants “[s]iphon[ed] funds from . . . Cape [PLC]’s sole American subsidiary,” including identification of the manner in which funds allegedly were “siphon[ed] by each entity from Cape PLC’s subsidiary, the specific transactions by which funds allegedly were “siphon[ed], the dates on which the transactions occurred, the total amount of funds (by transaction), why You contend each transaction was improper and how the transactions relate to the Tibbs Plaintiffs’ claims. (*See* Third-Party Compl. ¶ 43).

**ANSWER:** The Receiver objects to this Interrogatory as requiring the identification of information in the possession, custody, or control of You or any other Third-Party Defendant, but

not yet produced to the Receiver in response to pending or future discovery requests, or otherwise is obtainable from some other source that is more convenient, less burdensome, or less expensive. The Receiver objects to this Interrogatory as vague and ambiguous, including to the extent it uses the phrases “supporting Your allegation.” The Receiver further objects to this Interrogatory as overbroad, unduly burdensome, and expensive taking into account the needs of the case, including to the extent it requires the Receiver to identify “all” responsive information, and to the extent it seeks information not necessary for the Receiver to prove his claims and entitlement to the relief requested against You and any other Oppenheimer Third-Party Defendant.

Subject to the general and specific objections herein, and responding pursuant to Rule 33(c), SCRCP, the Receiver has produced or will produce non-privileged documents responsive to this Interrogatory in the Receiver’s possession, custody, or control. The Receiver further refers You to the allegations of and documents referenced in the Third-Party Complaint dated June 30, 2023, or included as a part of any filings with the Court or in correspondence between the parties or their counsel, or as otherwise referenced in the Receiver’s trial exhibit list dated March 25, 2024, including without limitation Ex. 5, Ex. 7, Ex. 10, Ex. 19, Ex. 21, Ex. 22, Ex. 23, Ex. 60, Ex. 61, Ex. 62, Ex. 63, Ex. 64, Ex. 65, Ex. 66, Ex. 67, Ex. 68, Ex. 69, Ex. 70, Ex. 71, Ex. 72, Ex. 73, Ex. 74, Ex. 75, Ex. 76, Ex. 77, Ex. 80, Ex. 81, Ex. 82, Ex. 2511, Ex. 2514, Ex. 2515, and Ex. 2532. The Receiver further incorporates its responses to Interrogatory No. 1, Interrogatory No. 2, Interrogatory No. 3, Interrogatory No. 4, and Interrogatory No. 10 of Third-Party Defendant De Beers PLC’s First Set of Interrogatories. The Receiver further reserves the right to supplement this response as it secures discovery information from the recalcitrant Third-Party Defendants.

**INTERROGATORY NO. 21:** Identify all Information supporting Your allegation that each of the Anglo American-De Beers Defendants “[d]estroy[ed] corporate records,” including the factual basis for Your allegation, the specific corporate records allegedly destroyed, the dates on which they were destroyed and how their contents relate to this Action. (*See* Third-Party Compl. ¶ 43).

**ANSWER:** The Receiver objects to this Interrogatory as requiring the identification of information in the possession, custody, or control of You or any other Third-Party Defendant, but not yet produced to the Receiver in response to pending or future discovery requests, or otherwise is obtainable from some other source that is more convenient, less burdensome, or less expensive. The Receiver objects to this Interrogatory as vague and ambiguous, including to the extent it uses the phrases “supporting Your allegation,” “specific corporate records,” and “how their contents relate to this action.” The Receiver further objects to this Interrogatory as overbroad, unduly burdensome, and expensive taking into account the needs of the case, including to the extent it requires the Receiver to identify “all” responsive information, and to the extent it seeks information not necessary for the Receiver to prove his claims and entitlement to the relief requested against You and any other Oppenheimer Third-Party Defendant.

Subject to the general and specific objections herein, and responding pursuant to Rule 33(c), SCRC, the Receiver has produced or will produce non-privileged documents responsive to this Interrogatory in the Receiver’s possession, custody, or control. The Receiver further refers You to the allegations of and documents referenced in the Third-Party Complaint dated June 30, 2023, or included as a part of any filings with the Court or in correspondence between the parties or their counsel, or as otherwise referenced in the Receiver’s trial exhibit list dated March 25, 2024, including without limitation Ex. 1175, *available at* <https://researcharchives.wits.ac.za/5-3-14> (finding aid for Barlow World Rand Mines Archive repository, stating, “**Also: some notes: certain boxes have been destroyed; negative material on miners’ phthisis and asbestos have been removed – perhaps even before the collection came to Barlows**”). The Receiver further reserves the right to supplement this response as it secures discovery information from the recalcitrant Third-Party Defendants.

**INTERROGATORY NO. 22:** Identify all Information supporting Your allegation that each of the Anglo American-De Beers Defendants “publicly misrepresent[ed] the nature of Cape [PLC]’s business,” including identification of each alleged misrepresentation, the alleged speaker, where the alleged misrepresentation was published and why the statement allegedly was misrepresentative based upon contrary, contemporaneous facts. (*See* Third-Party Compl. ¶ 43).

**ANSWER:** The Receiver objects to this Interrogatory as requiring the identification of information in the possession, custody, or control of You or any other Third-Party Defendant, but not yet produced to the Receiver in response to pending or future discovery requests, or otherwise is obtainable from some other source that is more convenient, less burdensome, or less expensive. The Receiver objects to this Interrogatory as vague and ambiguous, including to the extent it uses the phrases “supporting Your allegation,” “where the alleged misrepresentation was published,” and “why the statement allegedly was misrepresentative.” The Receiver further objects to this Interrogatory as overbroad, unduly burdensome, and expensive taking into account the needs of the case, including to the extent it requires the Receiver to identify “all” responsive information, and to the extent it seeks information not necessary for the Receiver to prove his claims and entitlement to the relief requested against You and any other Oppenheimer Third-Party Defendant.

Subject to the general and specific objections herein, and responding pursuant to Rule 33(c), SCRCF, the Receiver has produced or will produce non-privileged documents responsive to this Interrogatory in the Receiver’s possession, custody, or control. The Receiver further refers You to the allegations of and documents referenced in the Third-Party Complaint dated June 30, 2023, or included as a part of any filings with the Court or in correspondence between the parties or their counsel, or as otherwise referenced in the Receiver’s trial exhibit list dated March 25, 2024, including without limitation Ex. 10, Ex. 59, Ex. 63, and Ex. 1666. The Receiver further reserves the right to supplement this response as it secures discovery information from the recalcitrant Third-Party Defendants.

**INTERROGATORY NO. 23:** Identify all Information supporting Your allegation that Anglo American assumed “contracts and liabilities” of Cape PLC, including identification of each contract or liability, the Entity that allegedly assumed each contract or liability, the date on which each Entity allegedly assumed each contract or liability and how each assumed contract or liability relates to the Tibbs Plaintiffs’ claims. (*See* Third-Party Compl. ¶ 50).

**ANSWER:** The Receiver objects to this Interrogatory as requiring the identification of information in the possession, custody, or control of You or any other Third-Party Defendant, but not yet produced to the Receiver in response to pending or future discovery requests, or otherwise is obtainable from some other source that is more convenient, less burdensome, or less expensive. The Receiver objects to this Interrogatory as vague and ambiguous, including to the extent it uses the phrases “supporting Your allegation” and “contract or liability.” The Receiver further objects to this Interrogatory as overbroad, unduly burdensome, and expensive taking into account the needs of the case, including to the extent it requires the Receiver to identify “all” responsive information, and to the extent it seeks information not necessary for the Receiver to prove his claims and entitlement to the relief requested against You and any other Oppenheimer Third-Party Defendant.

Subject to the general and specific objections herein, and responding pursuant to Rule 33(c), SCRCP, the Receiver has produced or will produce non-privileged documents responsive to this Interrogatory in the Receiver’s possession, custody, or control. The Receiver further refers You to the allegations of and documents referenced in the Third-Party Complaint dated June 30, 2023, or included as a part of any filings with the Court or in correspondence between the parties or their counsel, or as otherwise referenced in the Receiver’s trial exhibit list dated March 25, 2024, including without limitation Ex. 7, Ex. 19, Ex. 78, Ex. 79, Ex. 80, Ex. 2505, Ex. 2520, and Ex. 2529. The Receiver further reserves the right to supplement this response as it secures discovery information from the recalcitrant Third-Party Defendants.

**INTERROGATORY NO. 24:** Identify all Information supporting Your allegation that Anglo American “created Charter,” including the specific actions Anglo American allegedly took to create Charter. (*See* Third-Party Compl. ¶ 54).

**ANSWER:** The Receiver objects to this Interrogatory as requiring the identification of information in the possession, custody, or control of You or any other Third-Party Defendant, but not yet produced to the Receiver in response to pending or future discovery requests, or otherwise is obtainable from some other source that is more convenient, less burdensome, or less expensive. The Receiver objects to this Interrogatory as vague and ambiguous, including to the extent it uses the phrase “supporting Your allegation.” The Receiver further objects to this Interrogatory as overbroad, unduly burdensome, and expensive taking into account the needs of the case, including to the extent it requires the Receiver to identify “all” responsive information, and to the extent it seeks information not necessary for the Receiver to prove his claims and entitlement to the relief requested against You and any other Oppenheimer Third-Party Defendant.

Subject to the general and specific objections herein, and responding pursuant to Rule 33(c), SCRCP, the Receiver has produced or will produce non-privileged documents responsive to this Interrogatory in the Receiver’s possession, custody, or control. The Receiver further refers You to the allegations of and documents referenced in the Third-Party Complaint dated June 30, 2023, or included as a part of any filings with the Court or in correspondence between the parties or their counsel, or as otherwise referenced in the Receiver’s trial exhibit list dated March 25, 2024, including without limitation Ex. 5, Ex. 6, Ex. 83, Ex. 2493, Ex. 2494, Ex. 2501, Ex. 2505, Ex. 2511, Ex. 2515, and Ex. 2528. The Receiver further incorporates by reference the response to Interrogatory No. 3 of Third-Party Defendant De Beers UK Ltd.’s First Set of Interrogatories. The Receiver further reserves the right to supplement this response as it secures discovery information from the recalcitrant Third-Party Defendants.

**INTERROGATORY NO. 25:** Identify all Information supporting Your allegation that “Charter and Anglo [American plc] shared common office space,” including the specific addresses where and dates when they allegedly shared common office space. (*See* Third-Party Compl. ¶ 57).

**ANSWER:** The Receiver objects to this Interrogatory as requiring the identification of information in the possession, custody, or control of You or any other Third-Party Defendant, but not yet produced to the Receiver in response to pending or future discovery requests, or otherwise is obtainable from some other source that is more convenient, less burdensome, or less expensive. The Receiver objects to this Interrogatory as vague and ambiguous, including to the extent it uses the phrase “supporting Your allegation.” The Receiver further objects to this Interrogatory as overbroad, unduly burdensome, and expensive taking into account the needs of the case, including to the extent it requires the Receiver to identify “all” responsive information, and to the extent it seeks information not necessary for the Receiver to prove his claims and entitlement to the relief requested against You and any other Oppenheimer Third-Party Defendant.

Subject to the general and specific objections herein, and responding pursuant to Rule 33(c), SCRCP, the Receiver has produced or will produce non-privileged documents responsive to this Interrogatory in the Receiver’s possession, custody, or control. The Receiver further refers You to the allegations of and documents referenced in the Third-Party Complaint dated June 30, 2023, or included as a part of any filings with the Court or in correspondence between the parties or their counsel, or as otherwise referenced in the Receiver’s trial exhibit list dated March 25, 2024, including without limitation Ex. 4, Ex. 7, and Ex. 2536. The Receiver further states that members of the Oppenheimer-dominated Greater Group shared office space in or around 40 Holborn Viaduct (including at or in the proximity of the Morley House, as previously occupied by personnel of Cape and/or L. Breitmeyer & Co.). The Receiver further reserves the right to supplement this response as it secures discovery information from the recalcitrant Third-Party Defendants.

**INTERROGATORY NO. 26:** Identify all Information supporting Your allegation that “Charter and Anglo [American plc] . . . employed personnel who routinely switched roles between the entities,” including the identities of each employee, the roles they allegedly held at both companies and the dates on which they allegedly switched roles between the entities. (See Third-Party Compl. ¶ 57).

**ANSWER:** The Receiver objects to this Interrogatory as requiring the identification of information in the possession, custody, or control of You or any other Third-Party Defendant, but not yet produced to the Receiver in response to pending or future discovery requests, or otherwise is obtainable from some other source that is more convenient, less burdensome, or less expensive. The Receiver objects to this Interrogatory as vague and ambiguous, including to the extent it uses the phrase “supporting Your allegation.” The Receiver further objects to this Interrogatory as overbroad, unduly burdensome, and expensive taking into account the needs of the case, including to the extent it requires the Receiver to identify “all” responsive information, and to the extent it seeks information not necessary for the Receiver to prove his claims and entitlement to the relief requested against You and any other Oppenheimer Third-Party Defendant.

Subject to the general and specific objections herein, and responding pursuant to Rule 33(c), SCRCP, the Receiver has produced or will produce non-privileged documents responsive to this Interrogatory in the Receiver’s possession, custody, or control. The Receiver further refers You to the allegations of and documents referenced in the Third-Party Complaint dated June 30, 2023, or included as a part of any filings with the Court or in correspondence between the parties or their counsel, or as otherwise referenced in the Receiver’s trial exhibit list dated March 25, 2024, including without limitation Ex. 4, Ex. 7, Ex. 11, Ex. 12, and Ex. 2536. The Receiver further reserves the right to supplement this response as it secures discovery information from the recalcitrant Third-Party Defendants.

**INTERROGATORY NO. 27:** Identify all Information supporting Your allegation that “Charter was designed to serve as a corporate cushion—a products-liability patsy—for Anglo [American plc].” (See Third-Party Compl. ¶ 65).

**ANSWER:** The Receiver objects to this Interrogatory as requiring the identification of information in the possession, custody, or control of You or any other Third-Party Defendant, but not yet produced to the Receiver in response to pending or future discovery requests, or otherwise is obtainable from some other source that is more convenient, less burdensome, or less expensive. The Receiver objects to this Interrogatory as vague and ambiguous, including to the extent it uses the phrase “supporting Your allegation.” The Receiver further objects to this Interrogatory as overbroad, unduly burdensome, and expensive taking into account the needs of the case, including to the extent it requires the Receiver to identify “all” responsive information, and to the extent it seeks information not necessary for the Receiver to prove his claims and entitlement to the relief requested against You and any other Oppenheimer Third-Party Defendant.

Subject to the general and specific objections herein, and responding pursuant to Rule 33(c), SCRCF, the Receiver has produced or will produce non-privileged documents responsive to this Interrogatory in the Receiver’s possession, custody, or control. The Receiver further refers You to the allegations of and documents referenced in the Third-Party Complaint dated June 30, 2023, or included as a part of any filings with the Court or in correspondence between the parties or their counsel, or as otherwise referenced in the Receiver’s trial exhibit list dated March 25, 2024. The Receiver further incorporates the responses to Interrogatory No. 1, Interrogatory No. 2, Interrogatory No. 3, Interrogatory No. 4, and Interrogatory No. 10 of Third-Party Defendant De Beers PLC’s First Set of Interrogatories; as well as the response to Interrogatory No. 3 of Third-Party Defendant De Beers UK Ltd.’s First Set of Interrogatories. The Receiver further reserves the right to supplement this response as it secures discovery information from the recalcitrant Third-Party Defendants.

**GALLIVAN, WHITE & BOYD, P.A.**

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