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**Apr 26 2024**

**SC Court of Appeals**

**EXHIBIT B**

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  
DEBENTURE CORPORATION PLC; CAPE

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 PLC'S FIRST SET OF  
INTERROGATORIES**

**RECEIVED**

**Apr 26 2024**

**SC Court of Appeals**

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 PLC (“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 Information supporting Your allegation that Cape PLC was a “De Beers-affiliated company.” (*See* Third-Party Compl. ¶ 45).

**ANSWER:** The 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 “supporting.” 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” information relevant to the decades-long affiliations of Cape and De Beers or otherwise supporting the Receiver’s claims. The Receiver further objects to this Interrogatory as requiring the identification of information in the possession, custody, or control of You or any other Third-Party, 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.

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 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, related to the common ownership, financial interests, and/or control of Cape Asbestos Company Ltd., Anglo American Corporation of South Africa Ltd., De Beers Consolidated Mines Ltd., Charter Consolidated Ltd., and their affiliated entities within the broader Oppenheimer-dominated “Greater Group,” including without limitation Ex. 2; Ex. 3; Ex. 4; Ex. 5; Ex. 6; Ex. 7; Ex. 8; Ex. 9; Ex. 10; Ex. 11; Ex. 12; Ex. 13; Ex. 14; Ex. 15; Ex. 16; Ex. 17; Ex. 18; Ex. 19; Ex. 20; Ex. 21;

Ex. 22; Ex. 23; Ex. 40; Ex. 45; Ex. 51; Ex. 59; Ex. 62; Ex. 63; Ex. 67; Ex. 69; Ex. 73; Ex. 74; Ex. 75; Ex. 76; Ex. 77; Ex. 78; Ex. 79; Ex. 80; Ex. 81; Ex. 82; Ex. 83; Ex. 84; Ex. 85; Ex. 93; Ex. 94; Ex. 95; Ex. 96; Ex. 97; Ex. 1211; Ex. 1212; Ex. 1213; Ex. 1214; Ex. 1215; Ex. 1216; Ex. 1217; Ex. 1218; Ex. 1219; Ex. 1220; Ex. 1221; Ex. 1222; Ex. 1223; Ex. 1224; Ex. 1225; Ex. 1226; Ex. 1294; Ex. 1350; Ex. 1351; Ex. 1352; Ex. 1353; Ex. 1354; Ex. 1355; Ex. 1356; Ex. 1357; Ex. 1358; Ex. 1359; Ex. 1360; Ex. 1361; Ex. 1362; Ex. 1363; Ex. 1364; Ex. 1365; Ex. 1366; Ex. 1367; Ex. 1368; Ex. 1369; Ex. 1370; Ex. 1661; Ex. 1706; Ex. 2491; Ex. 2492; Ex. 2493; Ex. 2494; Ex. 2500; Ex. 2501; Ex. 2503; Ex. 2505; Ex. 2510; Ex. 2511; Ex. 2514; Ex. 2515; Ex. 2519; Ex. 2520; Ex. 2528; Ex. 2529; Ex. 2532; Ex. 2536; and Ex. 2537.

**INTERROGATORY NO. 2:** Identify all Information supporting Your allegation that the Anglo American-De Beers Defendants “received a non-gratuitous benefit from Cape [PLC],” including the identity of the alleged benefit, when the alleged benefit was conveyed to each of the Anglo American-De Beers Defendants, the monetary value of the alleged benefit, the manner in which the alleged benefit was conveyed to each of the Anglo American-De Beers Defendants and how the alleged benefit relates to the Tibbs Plaintiffs’ claims. (*See* Third-Party Compl. ¶ 127).

**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 defines “Information” to mean the same as “Documents” and uses the phrases “supporting” and conveyed.” 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 it requires the Receiver to identify “all” information otherwise supporting the Receiver’s claims. The Interrogatory also

includes 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.

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 incorporates by reference the response to Interrogatory No. 1 related to the common ownership, financial interests, and/or control of Cape Asbestos Company Ltd., Anglo American Corporation of South Africa Ltd., De Beers Consolidated Mines Ltd., Charter Consolidated Ltd., and their affiliated entities within the broader Oppenheimer-dominated "Greater Group," as well as to Interrogatory No. 3 regarding the realized substantial monetary value received by the Greater Group. The Receiver further refers to the fact that those entities and/or their successors and subsidiaries continue to be operating, well capitalized, and/or profitable, including due to their prior association with Cape, including dividends or other financial benefits, products, and/or services received directly or indirectly therefrom, while they have avoided any responsibility for the conduct of Cape that they or their predecessors facilitated, furthered, and/or directed in the United States, including harm caused to persons in or residents of South Carolina, including as reflected in documents referenced in the Receiver's trial exhibit list dated March 25, 2024, including without limitation Ex. 23; Ex. 31; Ex. 32; Ex. 33; Ex. 34; Ex. 36; Ex. 37; Ex. 38; Ex. 39; Ex. 43; Ex. 44; Ex. 47; Ex. 60; Ex. 61; Ex. 62; Ex. 64; Ex. 67; Ex. 68; Ex. 69; Ex. 70; Ex. 71; Ex. 72; and Ex. 2500.

**INTERROGATORY NO. 2:** Identify all Information supporting Your allegation that the Anglo American-De Beers Defendants "realized substantial monetary value from" the alleged non-gratuitous benefit identified in response to Interrogatory Number 2, including the amount allegedly

received by each Entity and the dates on which the alleged monetary value was realized by each Entity. (*See* Third-Party Compl. ¶ 128).

**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 defines “Information” to mean the same as “Documents” and uses the phrases “supporting,” “received,” and “realized by each Entity.” 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 it requires the Receiver to identify “all” information otherwise supporting the Receiver’s claims.

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 incorporates by reference the responses to Interrogatory No. 1 and Interrogatory No. 2. The Receiver further refers you to the allegations in the Third-Party Complaint, with supporting documents thereof, regarding the significant profitability of Cape to Charter and, in turn, Cape’s significant profitability to the interlinked parts and crossholdings of the Oppenheimer-dominated Greater Group. *See, e.g.*, Ex. 10, Charter 1970 Annual Report, at 12, 16 (June 18, 1970) (reporting a “substantial jump in trading profits for the year . . . due to the inclusion of earnings from Cape Asbestos”); *id.* at 31 (reporting that the sale of asbestos fibre contributed the most to the company’s

trading profit); Ex. 19, Charter 1972 Annual Report, at 3 (May 30, 1972) (noting among top “[f]eatures of the year” that Cape’s “profits increased from £2,528,000 to £3,098,000”); Ex. 23, Charter 1977 Annual Report, at 7, 11, 13 (June 9, 1977) (reporting another “record year” from Cape with pre-tax profit of £14.2 million, with the “mining division again perform[ing] exceptionally well”); *id.* at 47 (noting £9,831,000 pre-tax trading profit from mining and sale of asbestos fibre and 28.2% profit margin from the same, *i.e.*, the highest among Charter’s manufacturing subsidiaries); Ex. 67, Charter 1976 Annual Report, at 7, 38–39 (June 8, 1976) (reporting £10.2 million of operating profit “in spite of difficult trading conditions,” with the “greatest increase” in improved profit “arising in the mining division, which raised total tonnage both mined and sold,” even despite “substantial price increases”); *see also* Ex. 21, Anglo 1976 Annual Report, at 7 (Mar 25, 1977) (reporting that Anglo had “important interests in the production of . . . asbestos” through Charter); Ex. 22, De Beers 1978 Annual Report, at 48–49, 52 (Mar. 30, 1979) (referencing “strengthening [of] De Beers’ earnings base,” which through Anglo and Charter, “the London-based mining finance house,” included interests in “asbestos . . . and other minerals, and in industrial enterprises in the United Kingdom”); Ex. 19, Charter 1972 Annual Report, at 39 (May 30, 1972) (“In mining, the Anglo American Corporation group and its close associate De Beers Consolidated Mines Limited have important interests in the production of . . . asbestos.”); Ex. 83, Anglo 1978 Annual Report, at 3 (July 26, 1978) (organizational chart portraying Charter on equal footing to Anglo and De Beers, and having financial interests in each other, including indirectly through other entities in the “Greater Group”).

**INTERROGATORY NO. 3:** Do You contend that Cape PLC expected to receive remuneration for the “non-gratuitous benefit” identified in response to Interrogatory Number 2 at the time it was conferred on the Anglo American-De Beers Defendants? If so, Identify all Information supporting Your contention, including an explanation of why You contend Cape PLC expected remuneration from each Entity and, if available, any statements or other writings evidencing that Cape PLC expected to receive remuneration from each Entity.

**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 defines “Information” to mean the same as “Documents” uses the phrase “expected to receive remuneration.” 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 speculate about what Cape, when operated as part of the Anglo/De Beers Group, expected from its affiliated entities, 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, and to the extent it requires the Receiver to identify “all” information otherwise supporting the Receiver’s claims.

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 incorporates by reference the responses to Interrogatory No. 1, Interrogatory No. 2, and Interrogatory No. 3. The Receiver further responds that Cape, as part of the Oppenheimer-dominated Greater “Group,” as a “form of economic and financial organization” that was “the backbone of mining life in Southern Africa,” would have expected all the administrative and

financial benefits attendant with such “mining group” system. *See, e.g.,* Ex. 2492, Theodore Emanuel & Gugenheim Gregory, *Ernest Oppenheimer and the Economic Development of Southern Africa* 90–92 (Oxford Univ. Press 1962) (quoting a speech by Sir Ernest Oppenheimer that “the advantages of the [group] system are manifold, but I will mention a few of the more outstanding features: The financing of the individual companies is facilitated. The parent company acts as a link between the various operating companies, and promotes co-operation in matters of common interest. The services of a staff of highly skilled experts in all departments of mining and metallurgy are constantly available to the individual companies. Administration is standardized, in itself a matter of premier importance in all secretarial and accounting work. The stores and other requirements of the miens are bought to the best advantage, and at a minimum cost for the service. Where, as is the case on the Rand, there are many companies whose properties adjoin or are adjacent to one another, all engaged in the same class of work, the existence of a central organization for the supply of expert advice and information on matters which must in the nature of things be of common interest, is clearly of incalculable value. It certainly ensures to the individual companies great economies compared with the cost which would have to be faced if each company were called upon to maintain a separate and complete staff.”).

**INTERROGATORY NO. 4:** Identify in detail the “funds” allegedly “wrongfully diverted” to each of the Anglo American-De Beers Defendants referenced by You in paragraph 130 of the Third-Party Complaint, including the amount of “funds” allegedly diverted to each Anglo American-De Beers Defendant, the dates the “funds” allegedly were diverted, the intended purpose of the funds, all facts establishing how the “funds” were diverted and by whom and an explanation of the relationship between the alleged “funds” and the Tibbs Plaintiffs’ claims.

**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 “Identify in detail.” 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.

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 incorporates by reference the responses to Interrogatory No. 1, Interrogatory No. 2, Interrogatory No. 3, and Interrogatory No. 4.

**INTERROGATORY NO. 5:** Identify the “funds” over which You are seeking a constructive trust in this Action, including the location of the “funds,” the total value of the “funds,” how You determined the total value of the “funds.”

**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. Specifically, the Third-Party Defendants are the current exclusive holders of certain of this factual information, or the best source of such information, concerning the location and value of the funds over which the Court, if it elects that remedy, can impose as a constructive trust, and the Third-Party Defendants have consistently blocked fact discovery to date, undermining the Receiver’s ability to continue its Court-authorized investigation. The Receiver objects to this Interrogatory as vague and ambiguous, including to the extent it uses the phrase “Identify.” 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.

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 incorporates by reference the responses to Interrogatory No. 1, Interrogatory No. 2, Interrogatory No. 3, and Interrogatory No. 4. The Receiver further responds that a constructive trust is only one remedy sought by the Receiver, and is appropriate here to the extent You, including through any affiliated entity or predecessor in interest, "obtained money which does not equitably belong to [You] and which [You] cannot in good conscience retain or withhold from another who is beneficially entitled to it," such "as where money has been paid by . . . fraud, or has been acquired through a breach of trust or the violation of a fiduciary duty." *SSI Med. Servs., Inc. v. Cox*, 301 S.C. 493, 500, 392 S.E.2d 789, 793–94 (1990). The Receiver further reserves the right to supplement this response as it secures discovery information from the recalcitrant Third-Party Defendants regarding the history and status of funds at issue.

**INTERROGATORY NO. 6:** Do You contend that Cape PLC suffered a detriment as a result of the alleged "liability-avoidance scheme" alleged by You in paragraph 44 of the Third-Party Complaint? If so, Identify all Information supporting Your contention, including the nature of the alleged detriment, the value of the alleged detriment, when Cape PLC suffered the alleged detriment and the relationship between the alleged detriment and the Tibbs Plaintiffs' claims.

**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 defines “Information” to mean the same as “Documents” and uses the phrase “suffered a detriment.” 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 it requires the Receiver to identify “all” information otherwise supporting the Receiver’s claims.

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 incorporates by reference the responses to Interrogatory No. 1, Interrogatory No. 2, Interrogatory No. 3, and Interrogatory No. 4. The Receiver further responds that as a result of Cape’s inclusion in the Oppenheimer-dominated Greater Group, it became the agent and most public actor with respect to facilitating and furthering the Group’s various financial interests with respect to perpetuating the mining and sale of asbestos from southern Africa, with the United States being the primary market. In turn, Cape, with its American subsidiary NAAC, and secondarily Charter, drew the primary focus of claimants in the United States allegedly harmed by South African asbestos. Consistent with effectuating the liability-avoidance scheme facilitated, furthered, and/or directed by the Oppenheimer Third-Party Defendants and their predecessors in interest, moreover, Cape chose to forfeit conducting any further direct and/or publicly known business in the United States in the years that followed, while continuing to be named as a defendant in lawsuits brought in the United States, and while subsequent owners of the Cape asbestos mines in southern Africa, including Barlow Rand Ltd., with which the Oppenheimer-dominated Greater Group also had a

financial interest, continued to profit from the sale of asbestos to the United States and elsewhere in the world. Ultimately, however, the main detriment caused by the liability-avoidance scheme has been to the individuals, including in South Carolina, allegedly hurt by South African asbestos sold by Cape individually and as an agent for and part of the Oppenheimer-dominated Greater Group, as precipitating the appointment of the Receiver on March 17, 2023.

**INTERROGATORY NO. 7:** Identify all Information supporting Your allegation that each of the Anglo American-De Beers Defendants “t[ook] possession of property” that belonged to Cape PLC, including by Identifying the specific “property” allegedly taken by each Anglo American-De Beers Defendant, the value of the “property,” when the “property” allegedly was taken and how the “property” was taken by each Entity. (*See* Third-Party Compl. ¶ 133).

**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 defines “Information” to mean the same as “Documents” and uses the phrase “taken.” 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 it requires the Receiver to identify “all” information otherwise supporting the Receiver’s claims.

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

incorporates by reference the responses to Interrogatory No. 1, Interrogatory No. 2, Interrogatory No. 3, and Interrogatory No. 4.

**INTERROGATORY NO. 8:** Identify all Information supporting Your allegation that each of the Anglo American-De Beers Defendants made “false or misleading statements,” including by Identifying the specific statements, the Anglo American-De Beers Defendant that allegedly made each statement, where each statement was published and why each statement was “false or misleading.”

**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 defines “Information” to mean the same as “Documents.” 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 it requires the Receiver to identify “all” information otherwise supporting the Receiver’s claims.

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 incorporates by reference the responses to Interrogatory No. 1, Interrogatory No. 2, Interrogatory No. 3, Interrogatory No. 4, and Interrogatory No. 10. The Receiver further responds that the basis for this allegation is based on, without limitation, (1) the Oppenheimer family and their business associates misrepresenting the true nature of their control of Charter and Cape, and (2) the

association of Cape with the Anglo/De Beers Group enhancing Cape's ability to make false or misleading statements about the health risks associated with asbestos.

**INTERROGATORY NO. 9:** Do You contend that any of the Anglo American-De Beers Defendants owed a fiduciary duty to Cape PLC at any time? If so, Identify all Information supporting Your contention, including by Identifying the specific Entity that owes each alleged fiduciary duty, the time period during which each fiduciary duty existed and how each fiduciary duty arose.

**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. Specifically, the Third-Party Defendants are the current exclusive holders of certain of this factual information, or the best source of such information, regarding the nature of their relationships and duties with Cape, and the Third-Party Defendants have consistently blocked fact discovery to date, undermining the Receiver's ability to continue its Court-authorized investigation. The Receiver objects to this Interrogatory as vague and ambiguous, including to the extent it defines "Information" to mean the same as "Documents." 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 it requires the Receiver to identify "all" information otherwise supporting the Receiver's claims.

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

incorporates by reference the responses to Interrogatory No. 1, Interrogatory No. 2, Interrogatory No. 3, and Interrogatory No. 4. The Receiver further refers to the role of the Oppenheimer Third-Party Defendants and their predecessors in intentionally facilitating, furthering, and/or directing a business, Cape, that sells a product they knew would cause people to become sick and die, or to intentionally facilitate, further, and/or direct a liability-avoidance scheme, including involving Barlow Rand Ltd. and other affiliates of the Oppenheimer-dominated “Greater Group,” that would cause people and their families to lack a means of legally and/or financially addressing the harm caused by Cape’s asbestos in South Carolina and elsewhere in the United States, including as reflected in documents referenced in the Receiver’s trial exhibit list dated March 25, 2024, including without limitation Ex. 48; Ex. 49; Ex. 50; Ex. 1665; Ex. 1666; Ex. 2381; Ex. 2514; Ex. 2516; and Ex. 2519. The Receiver further refers to the longstanding business of the Oppenheimer Third-Party Defendants and their predecessors with respect to the intentional marketing, distribution, and profiteering of diamonds and other minerals sold, or with knowledge that they would be distributed, into the United States, including the State of South Carolina, often while also advertising information to American consumers about the ostensible value of such products, despite knowing such information to be false. *See, e.g.*, Ex. 115 (De Beers touting the “A Diamond is Forever” campaign”); Ex. 1653, N.Y. Times, Special Cable (Aug. 6, 1925) (“London Predicts Big Rise in Price of Diamonds, As Syndicate, Announced Here, Buys Output”); Ex. 2491, Colin Newbury, *The Diamond Ring: Business, Politics, and Precious Stones in South Africa 1867–1947* (Oxford Univ. Press. 1989) (extensively detailing efforts of De Beers and the diamond cartel(s) to control global supply to maintain and inflate retail value of diamonds, with the United States, including South Carolina, as the primary market). The Receiver further reserves the right to

supplement this response as it secures discovery information from the recalcitrant Third-Party Defendants regarding the nature of their relationships and duties with Cape.

**INTERROGATORY NO. 10:** Identify all Information You contend supports treating each of the Anglo American-De Beers Defendants as the alleged alter egos of Cape PLC, including all Information concerning whether any Entity was undercapitalized, whether and how any Entity failed to observe corporate formalities, whether any Entity failed to pay dividends, whether any Entity was insolvent, whether any Entity siphoned funds from another Entity, whether any Entity failed to maintain corporate records and whether any Entity was a façade for the operations of another Entity.

**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. Specifically, the Third-Party Defendants are the current exclusive holders of certain this factual information, or the best source of such information, and the Third-Party Defendants have consistently blocked fact discovery to date, undermining the Receiver's ability to continue its Court-authorized investigation. The Receiver objects to this Interrogatory as vague and ambiguous, including to the extent it defines "Information" to mean the same as "Documents." 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 it requires the Receiver to identify "all" information otherwise supporting the Receiver's claims. This Interrogatory also contains numerous 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.

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 incorporates by reference the responses to Interrogatory No. 1, Interrogatory No. 2, Interrogatory No. 3, Interrogatory No. 4, and Interrogatory No. 10. The Receiver further reserves the right to supplement this response as it secures discovery information from the recalcitrant Third-Party Defendants.

**INTERROGATORY NO. 11:** Identify all Information supporting Your allegations in paragraph 140(a)-(i) of the Third-Party Complaint with respect to each Anglo American-De Beers Defendant.

**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. Specifically, the Third-Party Defendants are the current exclusive holders of certain of this factual information, or the best source of such information, and the Third-Party Defendants have consistently blocked fact discovery to date, undermining the Receiver's ability to continue its Court-authorized investigation. The Receiver objects to this Interrogatory as vague and ambiguous, including to the extent it defines "Information" to mean the same as "Documents." 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 it requires the Receiver to identify "all" information otherwise supporting the Receiver's claims.

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 incorporates by reference the responses to Interrogatory No. 1, Interrogatory No. 2, Interrogatory No. 3, Interrogatory No. 4, and Interrogatory No. 10. The Receiver further reserves the right to supplement this response as it secures discovery information from the recalcitrant Third-Party Defendants.

**INTERROGATORY NO. 12:** Identify each director, officer, or employee of Cape PLC You contend simultaneously held a role as a director, officer, or employee of any of the Anglo American-De Beers Defendants.

**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. Specifically, the Third-Party Defendants are the current exclusive holders of certain this factual information, or the best source of such information, concerning the identities of directors, officers, or employees with simultaneous roles at Cape and other entities affiliated with the Oppenheimer-dominated "Greater Group," and the Third-Party Defendants have consistently blocked fact discovery to date, undermining the Receiver's ability to continue its Court-authorized investigation. The Receiver objects to this Interrogatory as vague and ambiguous, including to the extent it uses the phrase "simultaneous held a role." 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, including to the extent the control was effected within the Oppenheimer-led Anglo/De Beers Group in ways other than directors, officers, or employees having roles simultaneously at different entities.

Subject to the general and specific objections herein, the Receiver identifies without limitation Harry Oppenheimer, Ernest Oppenheimer (upon information and belief), Charles Engelhard, Charles “Punch” Barlow, Derek Pollen, Ludwig Breitmeyer, Fritz Hirschhorn, Rudolf Hinrichsen, Francis Oats, Ronald Dent, and Geoffrey Higham as having simultaneous roles, whether formal or informal, with respect to the businesses of Cape and Anglo American Corporation of South Africa Ltd., De Beers Consolidated Mines Ltd., E. Oppenheimer & Son Ltd., Charter Consolidated Ltd., Central Mining & Investment Corporation Ltd., and other affiliated entities or organizations thereof. The Receiver further incorporates by reference the response to Interrogatory No. 1. The Receiver further reserves the right to supplement this response as it secures discovery information from the recalcitrant Third-Party Defendants regarding overlapping directors, officers, employees, and agents of Cape, Third-Party Defendants, and/or their affiliates.

**INTERROGATORY NO. 13:** Identify each bank account You contend Cape PLC shared with any of the Anglo American-De Beers Defendants and the basis of Your contention.

**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. Specifically, the Third-Party Defendants are the current exclusive holders of certain of this factual information, or the best source of such information, concerning bank accounts or other financial or administrative resources shared with Cape, and the Third-Party Defendants have consistently blocked fact discovery to date, undermining the Receiver’s ability to continue its Court-authorized

investigation. The Receiver objects to this Interrogatory as vague and ambiguous, including to the extent it uses the phrase “basis of Your contention.” 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.

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 incorporates by reference the responses to Interrogatory No. 1, Interrogatory No. 2, Interrogatory No. 3, Interrogatory No. 4, and Interrogatory No. 10. The Receiver further reserves the right to supplement this response as it secures discovery information from the recalcitrant Third-Party Defendants regarding bank accounts.

**INTERROGATORY NO. 14:** Identify all Information evidencing any lack of corporate formalities between each Anglo American-De Beers Defendant and Charter.

**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. Specifically, the Third-Party Defendants are the current exclusive holders of certain of this factual information, or the best source of such information, and the Third-Party Defendants have consistently blocked fact discovery to date, undermining the Receiver’s ability to continue its Court-authorized investigation. The 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 “evidencing any lack of corporate formalities.” 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 it requires the Receiver to identify “all” information otherwise supporting the Receiver’s claims.

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 incorporates by reference the responses to Interrogatory No. 1, Interrogatory No. 2, Interrogatory No. 3, Interrogatory No. 4, and Interrogatory No. 10. The Receiver further reserves the right to supplement this response as it secures discovery information from the recalcitrant Third-Party Defendants.

**INTERROGATORY NO. 15:** Identify all Information evidencing any lack of corporate formalities between each Anglo American-De Beers Defendant and Cape PLC.

**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. Specifically, the Third-Party Defendants are the current exclusive holders of certain of this factual information, or the best source of such information, and the Third-Party Defendants have consistently blocked fact discovery to date, undermining the Receiver’s ability to continue its Court-authorized investigation. The 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 “evidencing any lack of corporate formalities.” 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 it requires the Receiver to identify “all” information otherwise supporting the Receiver’s claims.

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 incorporates by reference the responses to Interrogatory No. 1, Interrogatory No. 2, Interrogatory No. 3, Interrogatory No. 4, and Interrogatory No. 10. The Receiver further reserves the right to supplement this response as it secures discovery information from the recalcitrant Third-Party Defendants.

**INTERROGATORY NO. 16:** Identify all Information evidencing any lack of corporate formalities between Charter and Cape PLC.

**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. Specifically, the Third-Party Defendants are the current exclusive holders of certain of this factual information, or the best source of such information, and the Third-Party Defendants have consistently blocked fact discovery to date, undermining the Receiver’s ability to continue its Court-authorized investigation. The 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 “evidencing any lack of corporate formalities.” 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 it requires the Receiver to identify “all” information otherwise supporting the Receiver’s claims.

Subject to the general and specific objections herein, and responding pursuant to Rule 33(c), SCRPC, 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 incorporates by reference the responses to Interrogatory No. 1, Interrogatory No. 2, Interrogatory No. 3, Interrogatory No. 4, and Interrogatory No. 10. 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 You contend supports personal jurisdiction of the Courts of South Carolina over each of the Anglo American-De Beers Defendants by entity.

**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 defines “Information” to mean the same as “Documents” and uses the phrases “supports personal jurisdiction” and “by entity.” The Receiver further objects to this Interrogatory as overbroad, unduly burdensome, and expensive taking into account the needs of the case, to the extent it

requires the Receiver to identify “all” information otherwise supporting the Receiver’s claims and the exercise of personal jurisdiction over the Oppenheimer Third-Party Defendants.

Subject to the general and specific objections herein, the Receiver refers You to the Court’s decision dated December 6, 2023, denying Your motion to dismiss for lack of personal jurisdiction, and recognizing that personal jurisdiction is properly exercised over You with respect to the Receiver’s claims, based on the allegations in the Third-Party Complaint dated June 30, 2023, and the evidence submitted into the record to date. The Receiver further incorporates by reference the responses to Interrogatory No. 1, Interrogatory No. 2, Interrogatory No. 3, Interrogatory No. 4, and Interrogatory No. 10.

**INTERROGATORY NO. 18:** Identify all Information concerning alleged sales of asbestos in South Carolina or to any Entity in South Carolina by each of the Anglo American-De Beers Defendants by entity.

**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 defines “Information” to mean the same as “Documents” and uses the phrase “by entity.” 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 it requires the Receiver to identify “all” information otherwise supporting the Receiver’s claims.

Subject to the general and specific objections herein, the Receiver refers You to the Court's decision dated December 6, 2023, denying Your motion to dismiss for lack of personal jurisdiction, and recognizing that personal jurisdiction is properly exercised over You with respect to the Receiver's claims, based on the allegations in the Third-Party Complaint dated June 30, 2023, and the evidence submitted into the record to date. The Receiver further incorporates by reference the responses to Interrogatory No. 1, Interrogatory No. 2, Interrogatory No. 3, Interrogatory No. 4, and Interrogatory No. 10.

**INTERROGATORY NO. 19:** Identify all Information concerning alleged property, bank accounts or personnel of the Anglo American-De Beers Defendants in South Carolina by entity.

**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 defines "Information" to mean the same as "Documents" and uses the phrase "by entity." 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 it requires the Receiver to identify "all" information otherwise supporting the Receiver's claims.

Subject to the general and specific objections herein, the Receiver refers You to the Court's decision dated December 6, 2023, denying Your motion to dismiss for lack of personal jurisdiction, and recognizing that personal jurisdiction is properly exercised over You with respect to the Receiver's claims, based on the allegations in the Third-Party Complaint dated June 30, 2023, and

the evidence submitted into the record to date. The Receiver further incorporates by reference the responses to Interrogatory No. 1, Interrogatory No. 2, Interrogatory No. 3, Interrogatory No. 4, and Interrogatory No. 10.

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

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