



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

CATHERINE S. HARRISON  
CHIEF DEPUTY CLERK

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June 11, 2024

The Honorable Jeanette W. McBride  
PO Box 2766  
Columbia SC 29202-2766

## REMITTITUR

Re: Michael David Link v. 4520 Corp, Inc.  
Lower Court Case No. 2022CP4005543  
Appellate Case No. 2024-000342

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

A handwritten signature in blue ink that reads "Jenny A. Kitchings".

CLERK

Enclosure

cc: Stephen Lynwood Brown, Esquire  
Russell Grainger Hines, Esquire  
James D. Gandy, III, Esquire

Graydon V. Olive, IV, Esquire  
Theile Branham McVey, Esquire  
Jamie Rae Rutkoski, Esquire  
Aaron Daniel Chapman, Esquire  
David Christopher Humen, Esquire  
Stephen Augustus Griffith, Jr., Esquire  
Charles William Branham, III, Esquire  
Jonathan Marshall Holder, Esquire  
John D. Kassel, Esquire  
G. Murrell Smith, Jr., Esquire  
Jonathan M. Robinson, Esquire  
Shanon N. Peake, Esquire  
Richard Brandon Larrabee, Esquire  
Robert Turner Bonds, Esquire  
John Kenneth Chandler, Esquire  
Brian Montgomery Barnwell, Esquire  
Peter Demos Protopapas, Esquire

# The South Carolina Court of Appeals

Michael David Link and Sandra Strickland Link,  
Plaintiffs,

v.

3M Company, 4520 Corp., Inc., ABB Inc., Amentum Environment & Energy, Inc., Armstrong International, Inc., Bahnson, Inc., Beaty Investments, Inc., Bechtel Corporation, The Bonitz Company, Brenntag North America, Inc., Brenntag Specialties, LLC, Carboline Company, Carrier Corporation, Celanese Corporation, CNA Holdings, LLC, Cooper Crouse-Hinds, LLC, Covil Corporation, Daniel International Corporation, Davis Mechanical Contractors, Inc., Eaton Corporation, Ellington Insulation Company, Inc., Emerson Electric Co., Ericsson Inc., Fisher Controls International, LLC, Flowserve Corporation, Flowserve US, Inc., Fluor Constructors International, Fluor Constructors International, Inc., Fluor Daniel Services Corporation, Fluor Enterprises, Inc., General Cable Corporation, General Cable Industries, Inc., General Electric Company, Gould Electronics, Inc., Goulds Pumps, Incorporated, Graybar Electric Company, Inc., Great Barrier Insulation Co., Grinnell, LLC, Heat & Frost Insulation Company, Inc., Henry Pratt Company, LLC, Howden North America, Inc., ITT, LLC, J & L Insulation, Inc., K-Mac Services, Inc., Kohler Co., Metropolitan Life Insurance Company, Michelin Corporation, Michelin North America, Inc., Milliken & Company, Occidental Chemical Corporation, The Okonite Company, Inc., Paramount Global, PECW Holding Company, Plastics Engineering Company, Presnell Insulation Co., Inc., Prysmian Cables and Systems USA, LLC, Raytheon Technologies Corporation, Redco Corporation, Riley Power Inc., Rockwell Automation, Inc., R.T. Vanderbilt Holding Company, Inc., Rust Engineering & Construction, Inc.,

Rust International, Inc., Saint-Gobain Abrasives, Inc.,  
Schneider Electric USA, Inc., Sequoia Ventures, Inc.,  
Siemens Industry, Inc., Southern Insulation, Inc., Spence  
Engineering Company, Inc., Spirax Sarco, Inc., SPX  
Cooling Technologies, LLC, Standard Insulation  
Company of N.C., Inc., Starr Davis Company, Inc., Starr  
Davis Company of S.C., Inc., Thermo Electric Company,  
Inc., Union Carbide Corporation, Vanderbilt Minerals,  
LLC, Viking Pump, Inc., Vistra Intermediate Company,  
LLC, Whittaker, Clark & Daniels, Inc., The William  
Powell Company, Wind Up, Ltd., York International  
Corporation, Zurn Industries, LLC, Defendants,

AND

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

v.

3M Company, 4520 Corp., Inc., ABB Inc., Amentum  
Environment & Energy, Inc., Armstrong International,  
Inc., Bahnson, Inc., Beaty Investments, Inc., Bechtel  
Corporation, The Bonitz Company, Brenntag North  
America, Inc., Brenntag Specialties, LLC, Carboline  
Company, Carrier Corporation, Celanese Corporation,  
CNA Holdings, LLC, Cooper Crouse-Hinds, LLC, Covil  
Corporation, Daniel International Corporation, Davis  
Mechanical Contractors, Inc., Eaton Corporation,  
Ellington Insulation Company, Inc., Emerson Electric  
Co., Ericsson Inc., Fisher Controls International, LLC,  
Flowserve Corporation, Flowserve US, Inc., Fluor  
Constructors International, Fluor Constructors  
International, Inc., Fluor Daniel Services Corporation,  
Fluor Enterprises, Inc., General Cable Corporation,  
General Cable Industries, Inc., General Electric  
Company, Gould Electronics, Inc., Goulds Pumps,  
Incorporated, Graybar Electric Company, Inc., Great  
Barrier Insulation Co., Grinnell, LLC, Heat & Frost  
Insulation Company, Inc., Henry Pratt Company, LLC,

Howden North America, Inc., ITT, LLC, J & L Insulation, Inc., K-Mac Services, Inc., Kohler Co., Metropolitan Life Insurance Company, Michelin Corporation, Michelin North America, Inc., Milliken & Company, Occidental Chemical Corporation, The Okonite Company, Inc., Paramount Global, PECW Holding Company, Plastics Engineering Company, Presnell Insulation Co., Inc., Prysmian Cables and Systems USA, LLC, Raytheon Technologies Corporation, Redco Corporation, Riley Power Inc., Rockwell Automation, Inc., R.T. Vanderbilt Holding Company, Inc., Rust Engineering & Construction, Inc., Rust International, Inc., Saint-Gobain Abrasives, Inc., Schneider Electric USA, Inc., Sequoia Ventures, Inc., Siemens Industry, Inc., Southern Insulation, Inc., Spence Engineering Company, Inc., Spirax Sarco, Inc., SPX Cooling Technologies, LLC, Standard Insulation Company of N.C., Inc., Starr Davis Company, Inc., Starr Davis Company of S.C., Inc., Thermo Electric Company, Inc., Union Carbide Corporation, Vanderbilt Minerals, LLC, Viking Pump, Inc., Vistra Intermediate Company, LLC, Whittaker, Clark & Daniels, Inc., The William Powell Company, Wind Up, Ltd., York International Corporation, Zurn Industries, LLC, Defendants, AND Heather Donaghy v. 4520 Corp., Inc.

Appellate Case No. 2024-000342

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ORDER

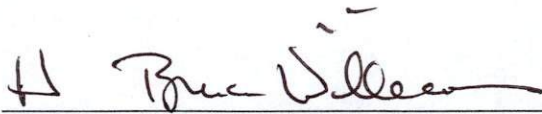
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This consolidated appeal arises out of a circuit court order dated February 23, 2024, denying the receiver's motion to terminate representation of Appellants' counsel of choice and directing Appellants' counsel to cooperate with the receiver. Appellants engaged the legal services of Clement Rivers, LLP. Appellants assert they were deprived of utilizing their choice of counsel, although the order on appeal denied the receiver's motion to terminate Appellants' representation by Clement Rivers. The denial of a motion to terminate representation is not

immediately appealable. *See EnerSys Delaware, Inc. v. Hopkins*, 401 S.C. 615, 619, 738 S.E.2d 478, 480 (2013) ("[A]n order denying a motion to disqualify an attorney is not immediately appealable."). Contrary to Appellants' assertions, the order on appeal is distinguishable from that in *Hagood v. Sommerville*, 362 S.C. 191, 607 S.E.2d, 707 (2005). In *Hagood*, the supreme court found "an order granting a motion to disqualify a party's preferred attorney *must* be immediately appealed or any later objection in a subsequent appeal [would] be waived." *Id.* at 198, 607 S.E.2d at 710. The action taken by the circuit court in this appeal is more akin to the order appealed in *Hopkins*, wherein the circuit court denied the motion to disqualify counsel. *See Hopkins*, 401 S.C. at 616, 619, 738 S.E.2d at 479, 480. Thus, this order is not immediately appealable.

Appellants also argue the order on appeal is immediately appealable pursuant to section 14-3-330(4) of the South Carolina Code (2017). Specifically, Appellants contend the circuit court's order impermissibly permits the receiver to continue his duties during the pendency of the appeal. This order is also not immediately appealable. *See Childers v. Davis Mech. Contractors, Inc.* (S.C. Sup. Ct. Order dated Mar. 27, 2024) (dismissing as not immediately appealable an order denying appellants' request to dissolve a receivership).

Based on the foregoing, this appeal is dismissed. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

  
\_\_\_\_\_, C.J.  
FOR THE COURT

Columbia, South Carolina

cc:

Stephen Lynwood Brown, Esquire  
Russell Grainger Hines, Esquire  
James D. Gandy, III, Esquire  
Graydon V. Olive, IV, Esquire  
Theile Branham McVey, Esquire  
Jamie Rae Rutkoski, Esquire  
Aaron Daniel Chapman, Esquire

**FILED**  
**Apr 12 2024**

David Christopher Humen, Esquire  
Richard Brandon Larrabee, Esquire  
Robert Turner Bonds, Esquire  
John Kenneth Chandler, Esquire  
Stephen Augustus Griffith, Jr., Esquire  
Charles William Branham, III, Esquire  
Jonathan Marshall Holder, Esquire  
John D. Kassel, Esquire  
Brian Montgomery Barnwell, Esquire  
Peter Demos Protopapas, Esquire  
Shanon N. Peake, Esquire  
Jonathan M. Robinson, Esquire

# The South Carolina Court of Appeals

Michael David Link and Sandra Strickland Link,  
Respondents,

v.

3M Company, 4520 Corp., Inc., ABB Inc., Amentum Environment & Energy, Inc., Armstrong International, Inc., Bahnson, Inc., Beaty Investments, Inc., Bechtel Corporation, The Bonitz Company, Brenntag North America, Inc., Brenntag Specialties, LLC, Carboline Company, Carrier Corporation, Celanese Corporation, CNA Holdings, LLC, Cooper Crouse-Hinds, LLC, Covil Corporation, Daniel International Corporation, Davis Mechanical Contractors, Inc., Eaton Corporation, Ellington Insulation Company, Inc., Emerson Electric Co., Ericsson Inc., Fisher Controls International, LLC, Flowserve Corporation, Flowserve US, Inc., Fluor Constructors International, Fluor Constructors International, Inc., Fluor Daniel Services Corporation, Fluor Enterprises, Inc., General Cable Corporation, General Cable Industries, Inc., General Electric Company, Gould Electronics, Inc., Goulds Pumps, Incorporated, Graybar Electric Company, Inc., Great Barrier Insulation Co., Grinnell, LLC, Heat & Frost Insulation Company, Inc., Henry Pratt Company, LLC, Howden North America, Inc., ITT, LLC, J & L Insulation, Inc., K-Mac Services, Inc., Kohler Co., Metropolitan Life Insurance Company, Michelin Corporation, Michelin North America, Inc., Milliken & Company, Occidental Chemical Corporation, The Okonite Company, Inc., Paramount Global, PECW Holding Company, Plastics Engineering Company, Presnell Insulation Co., Inc., Prysmian Cables and Systems USA, LLC, Raytheon Technologies Corporation, Redco Corporation, Riley Power Inc., Rockwell Automation, Inc., R.T. Vanderbilt Holding

Company, Inc., Rust Engineering & Construction, Inc., Rust International, Inc., Saint-Gobain Abrasives, Inc., Schneider Electric USA, Inc., Sequoia Ventures, Inc., Siemens Industry, Inc., Southern Insulation, Inc., Spence Engineering Company, Inc., Spirax Sarco, Inc., SPX Cooling Technologies, LLC, Standard Insulation Company of N.C., Inc., Starr Davis Company, Inc., Starr Davis Company of S.C., Inc., Thermo Electric Company, Inc., Union Carbide Corporation, Vanderbilt Minerals, LLC, Viking Pump, Inc., Vistra Intermediate Company, LLC, Whittaker, Clark & Daniels, Inc., The William Powell Company, Wind Up, Ltd., York International Corporation, Zurn Industries, LLC, Defendants,

AND

Heather Donaghy, as Personal Representative of the Estate of Shirley Smiley Potter, Deceased, Respondent,

v.

3M Company, 4520 Corp., Inc., ABB Inc., Amentum Environment & Energy, Inc., Armstrong International, Inc., Bahnson, Inc., Beatty Investments, Inc., Bechtel Corporation, The Bonitz Company, Brenntag North America, Inc., Brenntag Specialties, LLC, Carboline Company, Carrier Corporation, Celanese Corporation, CNA Holdings, LLC, Cooper Crouse-Hinds, LLC, Covil Corporation, Daniel International Corporation, Davis Mechanical Contractors, Inc., Eaton Corporation, Ellington Insulation Company, Inc., Emerson Electric Co., Ericsson Inc., Fisher Controls International, LLC, Flowserve Corporation, Flowserve US, Inc., Fluor Constructors International, Fluor Constructors International, Inc., Fluor Daniel Services Corporation, Fluor Enterprises, Inc., General Cable Corporation, General Cable Industries, Inc., General Electric Company, Gould Electronics, Inc., Goulds Pumps, Incorporated, Graybar Electric Company, Inc., Great Barrier Insulation Co., Grinnell, LLC, Heat & Frost

Insulation Company, Inc., Henry Pratt Company, LLC, Howden North America, Inc., ITT, LLC, J & L Insulation, Inc., K-Mac Services, Inc., Kohler Co., Metropolitan Life Insurance Company, Michelin Corporation, Michelin North America, Inc., Milliken & Company, Occidental Chemical Corporation, The Okonite Company, Inc., Paramount Global, PECW Holding Company, Plastics Engineering Company, Presnell Insulation Co., Inc., Prysmian Cables and Systems USA, LLC, Raytheon Technologies Corporation, Redco Corporation, Riley Power Inc., Rockwell Automation, Inc., R.T. Vanderbilt Holding Company, Inc., Rust Engineering & Construction, Inc., Rust International, Inc., Saint-Gobain Abrasives, Inc., Schneider Electric USA, Inc., Sequoia Ventures, Inc., Siemens Industry, Inc., Southern Insulation, Inc., Spence Engineering Company, Inc., Spirax Sarco, Inc., SPX Cooling Technologies, LLC, Standard Insulation Company of N.C., Inc., Starr Davis Company, Inc., Starr Davis Company of S.C., Inc., Thermo Electric Company, Inc., Union Carbide Corporation, Vanderbilt Minerals, LLC, Viking Pump, Inc., Vistra Intermediate Company, LLC, Whittaker, Clark & Daniels, Inc., The William Powell Company, Wind Up, Ltd., York International Corporation, Zurn Industries, LLC, Defendants,

of which Asbestos Corporation Limited and Atlas Turner, Inc. are the Appellants,

and

Peter D. Protopapas, the Receiver for the insurance assets of Asbestos Corporation Limited and Atlas Turner, Inc., is a Respondent.

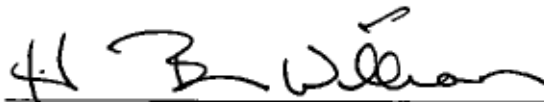
Appellate Case No. 2024-000342

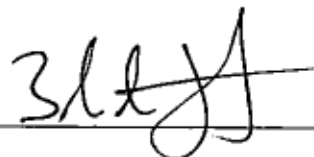
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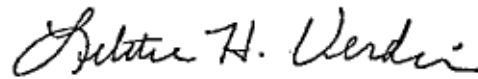
ORDER

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After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied. The motion to correct designation of Peter D. Protopapas, Receiver, is granted. The parties are directed to use the caption above on any future filings.

  
\_\_\_\_\_ C.J.

  
\_\_\_\_\_ J.

  
\_\_\_\_\_ J.

Columbia, South Carolina

cc:

Stephen Lynwood Brown, Esquire  
Russell Grainger Hines, Esquire  
James D. Gandy, III, Esquire  
Graydon V. Olive, IV, Esquire  
Theile Branham McVey, Esquire  
Jamie Rae Rutkoski, Esquire  
Aaron Daniel Chapman, Esquire  
David Christopher Humen, Esquire  
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Jonathan Marshall Holder, Esquire  
John D. Kassel, Esquire  
G. Murrell Smith, Jr., Esquire  
Jonathan M. Robinson, Esquire  
Shanon N. Peake, Esquire

**FILED**  
**Apr 30 2024**

Brian Montgomery Barnwell, Esquire  
Peter Demos Protopapas, Esquire

**FILED**  
**Apr 30 2024**

# The Supreme Court of South Carolina

Michael David Link and Sandra Strickland Link,  
Respondents,

v.

4520 Corp., Inc.; ABB Inc.; Amentum Environment & Energy, Inc.; Armstrong International, Inc.; Asbestos Corporation Limited; AT&T Corp.; Atlas Turner Inc.; Bahnsen, Inc.; BASF Catalysts LLC; BASF Corporation; Beaty Investments, Inc.; Bechtel Corporation; Bellsouth, LLC; Bellsouth Telecommunications, LLC; The Bonitz Company; Brenntag North America, Inc.; Brenntag Specialties, LLC; Carboline Company; Carrier Corporation; Celanese Corporation; CNA Holdings LLC; Cooper Crouse-Hinds, LLC; Covil Corporation; Daniel International Corporation; Davis Mechanical Contractors, Inc.; Eaton Corporation; Ellington Insulation Company, Inc.; Emerson Electric Co.; Ericsson Inc.; Fisher Controls International LLC; Flowserve Corporation; Flowserve US Inc.; Fluor Constructors International; Fluor Constructors International, Inc.; Fluor Daniel Services Corporation; Fluor Enterprises, Inc.; General Cable Corporation; General Cable Industries, Inc.; General Electric Company; Gould Electronics Inc.; Goulds Pumps, Incorporated; Graybar Electric Company, Inc.; Great Barrier Insulation Co.; Grinnell LLC; Heat & Frost Insulation Company, Inc.; Henry Pratt Company, LLC; Howden North America Inc.; ITT LLC; J. & L. Insulation, Inc.; K-MAC Services, Inc.; Kohler Co.; Metropolitan Life Insurance Company; Michelin Corporation; Michelin North America, Inc.; Milliken & Company; Nokia of America Corporation; Occidental Chemical Corporation; The Okonite Company, Inc.; Paramount Global; PECW Holding Company; Plastics Engineering Company; Presnell Insulation Co., Inc.; Prismsian Cables and Systems USA, LLC; Raytheon

**RECEIVED**

**Jun 07 2024**

**SC Court of Appeals**

Technologies Corporation; REDCO Corporation; Riley Power Inc.; Rockwell Automation Inc.; R.T. Vanderbilt Holding Company, Inc.; Rust Engineering & Construction, Inc.; Rust International Inc.; Saint-Gobain Abrasives, Inc.; Schneider Electric USA, Inc.; Sequoia Ventures Inc.; Siemens Industry, Inc.; Spence Engineering Company, Inc.; Spirax Sarco, Inc.; SPX Cooling Technologies, LLC; Standard Insulation Company of N. C., Inc.; Starr Davis Company, Inc.; Starr Davis Company of S.C., Inc.; Thermo Electric Company, Inc.; Union Carbide Corporation; Vanderbilt Minerals, LLC; Viking Pump, Inc.; William Powell Company; Wind Up, LTD.; York International Corporation; Zurn Industries, LLC, Defendants,

Of which Asbestos Corporation Limited and Atlas Turner, Inc. are Petitioners.

AND

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

v.

4520 Corp., Inc.; ABB Inc.; Amentum Environment & Energy, Inc.; Armstrong International, Inc.; Asbestos Corporation Limited; Atlas Turner Inc.; Bahnson, Inc.; Beaty Investments, Inc.; Bechtel Corporation; The Bonitz Company; Brenntag North America, Inc.; Brenntag Specialties, LLC; Canvas CT, LLC; Carboline Company; Carrier Corporation; Celanese Corporation; CNA Holdings LLC; Cooper Crouse-Hinds, LLC; Covil Corporation; Daniel International Corporation; Eaton Corporation; Emerson Electric Co.; Ericsson Inc.; Fisher Controls International LLC; Flowserve Corporation; Flowserve US Inc.; Fluor Constructors International; Fluor Constructors International, Inc.; Fluor Daniel Services Corporation; Fluor Enterprises, Inc.; General Cable Corporation; General Cable Industries, Inc.;

General Electric Company; Gould Electronics Inc.;  
Goulds Pumps, Incorporated; Goulds Pumps LLC;  
Graybar Electric Company, Inc.; Great Barrier Insulation  
Co.; Grinnell LLC; Henry Pratt Company, LLC; Howden  
North America Inc.; ITT LLC; K-MAC Services, Inc.;  
Metropolitan Life Insurance Company; Occidental  
Chemical Corporation; Paramount Global; PECW  
Holding Company; Plastics Engineering Company;  
Presnell Insulation Co., Inc.; Redco Corporation; Riley  
Power Inc.; Rockwell Automation, Inc.; R.T. Vanderbilt  
Holding Company, Inc.; Rust Engineering &  
Construction, Inc.; Rust International Inc.; Saint-Gobain  
Abrasives, Inc.; Schneider Electric USA, Inc.; Sequoia  
Ventures Inc.; Siemens Industry, Inc.; Spence  
Engineering Company, Inc.; Spirax Sarco, Inc.; Standard  
Insulation Company of N. C., Inc.; Starr Davis Company,  
Inc.; Starr Davis Company of S.C., Inc.; Thermo Electric  
Company Inc.; Union Carbide Corporation; Vanderbilt  
Minerals, LLC; Viking Pump, Inc.; Vistra Intermediate  
Company LLC; The William Powell Company; York  
International Corporation; Zurn Industries, LLC,  
Defendants,

Of which Asbestos Corporation Limited and Atlas  
Turner, Inc. are Petitioners.

Appellate Case No. 2024-000885

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ORDER

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Petitioners have filed a notice of withdrawal in this matter, which is construed as a motion to withdraw under Rule 260(c), SCACR. The motion is granted, and this matter is dismissed.

FOR THE COURT

BY *Patricia A. Howard*

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CLERK

Columbia, South Carolina  
June 7, 2024

cc: Stephen Lynwood Brown  
Russell Grainger Hines  
James D. Gandy, III  
Graydon V. Olive, IV  
Stephen Augustus Griffith, Jr.  
Theile Branham McVey  
Jamie Rae Rutkoski  
Aaron Daniel Chapman  
David Christopher Humen  
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John Kenneth Chandler  
The Honorable Jenny A. Kitchings