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July 1, 2024

**VIA Electronic Filing—[supctfilings@sccourts.org](mailto:supctfilings@sccourts.org)**

The Honorable Patricia A. Howard  
Clerk of the Supreme Court of South Carolina  
1231 Gervais Street  
Columbia, South Carolina 29201

**RECEIVED**

**Jul 01 2024**

**S.C. SUPREME COURT**

RE: *John A. Tibbs and Margaret B. Tibbs v. Cape PLC, individually and as successor in interest to Cape Asbestos Company Limited, by and through its duly appointed Receiver Peter D. Protopapas v. ArranCo US, LLC, et al.*

Civil Action No.: 2023-CP-40-01759

Appellate Case Nos.: 2023-002006, 2023-002007, 2023-002009,  
2023-002010, 2023-002011, 2024-000524,  
2024-000916, 2024-001063, 2024-001064,  
2024-001065

Dear Ms. Howard:

We have received the attached Notice of Removal which was filed in the United States District Court for the District of South Carolina and has been assigned Case Number 3:24-cv-03771-MGL. This Notice was filed with both the District Court and the Circuit Court, on Friday, June 28, 2024, by Anglo American plc, De Beers plc, De Beers UK Limited, De Beers Centenary AG, and De Beers Consolidated Mines Proprietary Limited, who are named in the lower court action from which the above-referenced appeals arise.

Our understanding is pursuant to 28 U.S.C. § 1446, upon removal, “the State court shall proceed no further unless and until the case is remanded.” Pursuant to *Limehouse v. Hulse*, this Court has held that this divestiture of state court jurisdiction extends to matters pending on appeal as well. See *Limehouse v. Hulse*, 404 S.C. 93, 109, 744 S.E.2d 566, 575 (2013); *Ward v. Resol. Tr. Corp.*, 972 F.2d 196, 198 (8th Cir. 1992) (“After removal, only the federal district court could restore jurisdiction to the state courts. Thus,

the state court of appeals could proceed no further, making its dismissal of the state appeal void.” (citations omitted)).

Accordingly, on behalf of ArranCo US, LLC, Hawk Bidco (US) Inc., and Sparrows Offshore, LLC—and on behalf of and with permission from the respective counsel for Mohed Altrad, Altrad Investment Authority S.A.S., ESAB Corporation, Central Mining and Investment Corp., Ltd., and Charter Consolidated Ltd. (as reflected by the signatures of the undersigned)—we respectfully request this Court hold the above-referenced matters in abeyance until the case is resolved in the District Court or the District Court has entered a certified remand order.

We appreciate the Court’s consideration of these matters. If we can provide the Court with any additional information, please do not hesitate to let us know. By copy to opposing counsel, we are informing them of this communication.

Sincerely,



Steven J. Pugh

**ATTORNEYS FOR ARRANCO US, LLC, HAWK  
BIDCO (US) INC., AND SPARROWS OFFSHORE,  
LLC**

By: /s/ M. Todd Carroll  
WOMBLE BOND DICKINSON (US) LLP

**ATTORNEY FOR MOHED ALTRAD AND  
ALTRAD INVESTMENT AUTHORITY S.A.S.**

By: /s/ A. Victor Rawl, Jr.  
GORDON REES SCULLY MANSUKHANI, LLP

**ATTORNEY FOR CHARTER CONSOLIDATED LTD.,  
ESAB CORPORATION, AND CENTRAL MINING AND  
INVESTMENT CORPORATION LTD**

cc: All Counsel of Record (via email w/ attach.)