

**THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT**

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**Oct 15 2024**

**S.C. SUPREME COURT**

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Appeal from Richland County  
Court of Common Pleas

Honorable Jean Hoefler Toal, Circuit Court Judge

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Supreme Court Appellate Case No. 2024-001463  
Court of Appeals Appellate Case No. 2023-001461  
Circuit Court Case No. 2023-CP-40-01759

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John A. Tibbs and Margaret B. Tibbs,

Respondents,

v.

3M Company; 4520 Corp., Inc.; A.O. Smith Corporation; A.W. Chesterton Company; ABB Inc.; Air & Liquid Systems Corporation; Aiw-2010 Wind Down Corp.; Amentum Environment & Energy, Inc.; Anchor/Darling Valve Company; Armstrong International, Inc.; Asbestos Corporation Limited; ASCO, L.P.; Atlas Asbestos Co; Atlas Turner, Inc.; AWT Air Company, Inc.; Bahnson, Inc.; Banner Industries International, Inc.; Banner Industries, LLC; Banner Industries Of N.E., Inc.; Barretts Minerals Inc.; Beaty Investments, Inc.; Bechtel Corporation; The Bonitz Company; Brand Insulations, Inc.; BW/IP Inc.; Canvas Ct, LLC; Cape PLC; Carboline Company; CB&I Laurens, Inc.; Cleaver-Brooks, Inc.; Consolidated Electrical Distributors, Inc.; Copes-Vulcan, Inc.; Covil Corporation; Crane Instrumentation & Sampling, Inc.; Crosby Valve, LLC; Daniel International Corporation; Davis Mechanical Contractors, Inc.; Dezurik, Inc.; Duke Energy Carolinas, LLC; Duke Energy Corporation; Eaton Corporation; Ellington Insulation Company, Inc.; Emerson Electric Co.; Fisher Controls International LLC; Flame Refractories, Inc.; Flowserve Corporation; Flowserve US Inc.; Fluor Constructors International; Fluor Constructors International, Inc.; Fluor Daniel Services Corporation; Fluor Enterprises, Inc.; FMC Corporation; Foster Wheeler Energy Corporation; Gardner Denver Nash, LLC; General Boiler Casing Company, Inc.; General Cable Corporation; General Cable Industries, Inc.; General Electric Company; Gould Electronics Inc.; Goulds Pumps, Incorporated; Goulds Pumps LLC; Great Barrier Insulation Co.; Grinnell LLC; Hajoca Corporation; Howden North America Inc.; HPC Industrial Services, LLC; IMO Industries Inc.; ITT LLC; Joy Global Underground Mining LLC; K-Mac Services Incorporated; Metropolitan Life Insurance Company; Mine Safety Appliances Company, LLC; MP Supply, Inc.; The Nash Engineering Company; Occidental Chemical Corporation; Paramount Global; Patterson Pump Company; PECW Holding Company; Pfizer Inc.; Piedmont Insulation, Inc.; Plastics Engineering Company; Presnell Insulation Co., Inc.; Redco Corporation; Riley

Power Inc.; Rockwell Automation, Inc.; RSCC Wire & Cable LLC; Schneider Electric USA, Inc.; Sequoia Ventures Inc.; Spirax Sarco, Inc.; SPX Corporation; Stafford Insulation Company; Standard Insulation Company Of N. C., Inc.; Starr Davis Company, Inc.; Starr Davis Company Of S.C., Inc.; Sterling Fluid Systems (USA) LLC; TE Wire & Cable LLC; Thermo Electric Company, Inc.; Union Carbide Corporation; Valves And Controls Us, Inc.; Velan Valve Corp.; Viking Pump, Inc.; Vistra Intermediate Company LLC; The William Powell Company Wind Up, Ltd.; Yuba Heat Transfer LLC; Zurn Industries, LLC,

Of which Asbestos Corporation Limited is

Appellant.

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**APPELLANT ASBESTOS CORPORATION LIMITED’S MOTION TO CONSOLIDATE  
PURSUANT TO RULE 214, SCACR**

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Pursuant to Rule 214 of the South Carolina Appellate Court Rules, Appellant Asbestos Corporation Limited (“ACL”) moves this Court to consolidate this case with *Donna B. Welch, individually and as Personal Representative of the Estate of Melvin G. Welch, deceased v. Advance Auto Parts, Inc., et al.*, No. 2022-CP-40-03834 (S.C. Ct. Common Pleas, 5th Cir. August 20, 2024). “[W]here the same question is involved in two or more appeals in different cases, the appellate court may, in its discretion, order the appeal to be consolidated.” Rule 214, SCACR. These cases present the same questions: (1) Whether the circuit court can appoint a receiver over a foreign company’s assets and property that have never been in South Carolina; and (2) Whether the circuit court erred in holding the Appellants in contempt and striking their pleadings. These two appeals also present nearly identical fact patterns and the same counsel of record. This Court would preserve judicial resources and promote efficiency by answering the issues on appeal in one matter.<sup>1</sup>

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<sup>1</sup> This Court has already proposed oral argument dates in January for the *Welch* appeal.

Counsel also notes that counsel for other appellants in other matters have indicated they would move to consolidate their appeals with *Tibbs* and *Welch*.<sup>2</sup> Atlas Turner and ACL respectfully request that if this Court consolidates *Welch* and *Tibbs*, it does *not* also consolidate the appeals involving third-party actions for the following reasons:

1. *Welch* and *Tibbs* involve relatively simple, straightforward, and nearly identical fact patterns while the fact patterns in the other appeals are complex and convoluted.

2. Numerous legal issues are raised in the other appeals that are not present in *Welch* and *Tibbs*.

3. *Welch* has been tentatively set for a term of this Court in January. Adding *Tibbs* to that oral argument would not unnecessarily add to this Court's case load and would provide an efficient manner to hear two cases with the same factual and legal issues. Consolidating with the other appeals would both procedurally and substantively slow down the Court's efforts to hear these extraordinarily important, yet straightforward matters.

4. Atlas Turner (*Welch*) and ACL (*Tibbs*) have not been involved in, or parties to, the various appeals attempted by appellants/petitioners in the other appeals. Atlas Turner and ACL should be allowed to argue their appeals unencumbered by other issues simply not present in their cases.

Accordingly, ACL and Atlas Turner move this Court to consolidate these cases and deny any other requests for consolidation.

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<sup>2</sup> Reply of Petitioners Charter Consolidated, LTD., ESAB Corporation and Central Mining & Investment to the Receiver's Return to the Motion to Certify at 6 n.7, *Tibbs v. 3M*, Appellate Case Nos. 2024-000916, 2024-001423, 2024-001497, and 2024-001499 (Oct. 10, 2024).

Respectfully submitted,

CLEMENT RIVERS, LLP

By: *s/Stephen L. Brown*  
CLEMENT RIVERS, LLP  
Stephen L. Brown (SC Bar No.: 66468)  
Russell G. Hines (SC Bar No. 72100)  
James D. Gandy, III (SC Bar No. 11925)  
Graydon V. Olive, IV (SC Bar No.: 105319)  
25 Calhoun Street, Suite 400  
Charleston, SC 29401  
sbrown@ycrlaw.com  
rhines@ycrlaw.com  
tgandy@ycrlaw.com  
golive@ycrlaw.com  
(843) 720-5488  
*Attorneys for Appellant Asbestos Limited  
Corporation*

Charleston, South Carolina

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