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Oct 21 2024

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
Jean Hoefler Toal, Chief Justice (Ret.)

Case No. 2023-CP-40-01759

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Appellate Case No. 2023-001461

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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 ump, 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 the Appellant

and

Peter Protopapas, Duly Appointed Receiver for Asbestos Corporation Limited, is a Respondent.

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**THE RECEIVER'S RETURN TO  
MOTION TO CONSOLIDATE**

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Respondent Peter Protopapas, Duly Appointed Receiver for Asbestos Corporation Limited submits this Return to Appellant Asbestos Corporation Limited's Motion to Consolidate this appeal with an appeal filed by Atlas Turner, Inc. in *Welch v. Atlas Turner, Inc., et al.*, Appellate Case No. 2023-001096. While the Receiver disagrees with the statement of issues and characterization of facts included in Appellant's Motion, the Receiver agrees that this appeal should be consolidated with the Atlas *Welch* appeal. The Receiver also agrees with Appellant's objections to the consolidation of this appeal involving the ACL receivership and the *Welch* appeal involving the Atlas receivership with any other appeals pending from the *Tibbs* case involving a separate receivership, separate parties, entirely separate issues, and different procedural backgrounds.

*(Signature page follows)*

Respectfully submitted,

s/Shanon N. Peake

G. Murrell Smith, Jr. (S.C. Bar 66263)

Jonathan M. Robinson (S.C. Bar 68285)

**Shanon N. Peake (S.C. Bar 102723)**

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**ATTORNEYS FOR THE RECEIVER PETER D.  
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October 21, 2024