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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

The Honorable Jean H. Toal
Acting Circuit Court Judge

Appellate Case No. 2024-001862
Circuit Court Case No. 2023-CP-40-01759

John A. Tibbs and Margaret B. Tibbs,..... Plaintiffs,

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, Incl; 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; and Zurn Industries, LLC, ... Defendants,

of which

Asbestos Corporation Limited is the..... Appellant,

and

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 Plaintiff/ Respondent,

v.

Anglo American PLC, individually and as successor in interest to Anglo American Corporation of South Africa Ltd.; DeBeers PLC; DeBeers Centenary AG; DeBeers Consolidated Mines Ltd.; DeBeers S.A.; DeBeers UK Ltd.; DeBeers Jewelers US, Inc.; Angle 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 (USA) Jewelry Inc.; Forevermark US Inc.; Anglo American Crop Nutrients (USA), LLC; Charter Consolidated Ltd.; ESAB Corporation; Central Mining & Investment Corporation Ltd.; Cape Holdco Ltd.; The Law Debenture Corporation PLC; Cape 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 SAS; Sparrows Offshore Group Ltd.; Hawk Bidco US Inc.; Arranco US, LLC; Sparrows Offshore, LLC; The Sparrows Group, LLC, ... Third-Party Defendants,

of which

Mohed Altrad and Altrad Investment Authority SAS are the ..... Appellants.

ALTRAD DEFENDANTS' PETITION FOR REHEARING AND SUGGESTION OF REHEARING EN BANC

Appellants Mohed Altrad and Altrad Investment Authority SAS (the "Altrad Defendants") respectfully request rehearing, including *en banc* rehearing, of this Court's unprompted and incorrect Order dated November 5, 2024. The Court acted *sua sponte* with no basis in the law and, respectfully, broke a cardinal rule of South Carolina law: appealability is determined from the substance of the order. The Court recently reaffirmed this very principle: "'The substance of the relief sought,' not the form, is typically what matters." *Brawley v. Richland County*, Op. No. 6090, Howard Adv. Sh. 37, at 26 (S.C. Ct. App. Sept. 25, 2024) (quoting *Standard Fed. Sav. & Loan Ass'n v. Mungo*, 306 S.C. 22, 26, 410 S.E.2d 18, 20 (Ct. App. 1991)).

Moreover, the Court does not appear to have considered the accompanying Motion to Consolidate, which was filed to provide the Supreme Court with an adequate record for its review of this Court's earlier improper dismissal of the Altrad Defendants' appeal from the deprivation of their right to trial by jury. Moreover, the dismissal Order itself evidences this Court misunderstood or overlooked the basis of the appeal and contemporaneous motion, as it cites cases regarding "discovery orders" that have nothing to do with the mode-of-trial issues put before the Court. Simply put, the order dismissing this appeal talks past the actual issues presented by the circuit court's order, and the Court's dismissal of this appeal should be reheard, including *en banc*.

In light of the deprivation of jury-trial rights effectuated by the circuit court's June 20, 2024 Order, this Court should have heard an appeal on the merits of that issue.[1] While that was recently dismissed, the Court's unprompted dismissal of this most recent appeal compounds that error, preventing the creation of a full record for review of the deprivation of jury trial rights below. And, because this was done *sua sponte*, the Altrad Defendants never had an opportunity to refute this erroneous oversight. Not only is rehearing warranted, but it should be granted *en banc* to ensure a proper review is conducted.

Of course, the Altrad Defendants are entitled to a jury trial on the first-party claim against Cape PLC, from which the Altrad Defendants' alleged "third-party"[2] liability supposedly derives. Rule 14(a), SCRCP. And, the putative third-party claims against the Altrad Defendants all seek only money damages, so despite their illusory "equity" labels, the Altrad Defendants are entitled to a jury trial on those claims—which the Receiver himself has conceded, in filings below, also include claims at law. This is a classic mode-of-trial appeal, and the order dismissing it should be reheard accordingly.

ARGUMENT

Given the nature of the circuit court's October 2, 2024 Order and its relation to the prior June 20 Order, many of the following arguments are to the same as those submitted as part of the Altrad Defendants' appeal of the June 20 Order. Here, now, Rule 205 has been violated again, the

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[1] The June 20 Order is the subject of Appellate Case No. 2024-001446.

[2] It has now become apparent the action below is not a true third-party action. Not only did the plaintiffs' attorneys toll, indefinitely, the claims against Cape PLC before the "third-party" action was filed, but the same firm has now filed a separate direct first-party action, with the same allegations, against Cape PLC and the *Tibbs* "third-party" defendants. The plaintiffs in *Tibbs* are also plaintiffs in this new, duplicative, first-party case, in which the plaintiffs specifically demanded a jury trial.

jury trial deprivation has been continued, and this Court erred by conducting a merits-based dismissal here.

I. Rule 205, SCACR, was violated again.

As an initial matter, the appealed October 2 Order was entered in contravention of Rule 205, SCACR. There currently exist at least two pending appeals relevant to this appealed Order. In Supreme Court Case No. 2024-001499 (among others), fundamental issues regarding the propriety of the receivership and the authority of the Receiver to prosecute this action are before the South Carolina Supreme Court. And in Appellate Case No. 2024-001446, issues regarding the circuit court's deprivation of the Altrad Defendants' right to trial by jury remain pending before the appellate courts.

As a result of these appeals, both individually and collectively, Rule 205 operates to prevent all action by the lower court as to matters affected by those appeals—including rescheduling a bench trial on the merits of the Receiver's alleged claims that was first set in the June 20 Order, appealed as a mode-of-trial violation. *See* S.C. Code Ann. § 14-3-330(2). That point of South Carolina is well settled. *See, e.g.*, Rule 205, SCACR (providing that "[u]pon the service of the notice of appeal, the appellate court shall have exclusive jurisdiction over the appeal" (emphasis added)); *Stokes-Craven Holding Corp. v. Robinson*, 416 S.C. 517, 534, 787 S.E.2d 485, 494 (2016) (explaining that "Rule 205 divests the lower court or administrative tribunal of jurisdiction over '*matters affected by the appeal*'" (emphasis supplied by the Supreme Court) (quoting *Tillman v. Oakes*, 398 S.C. 245, 255, 728 S.E.2d 45, 51 (Ct. App. 2012))); *Grosshuesch v. Cramer*, 377 S.C. 12, 31 n.7, 659 S.E.2d 112, 122 n.7 (2008) ("We take this opportunity to reiterate that while an appeal is pending, a lower court cannot act on matters affecting the issue on appeal."); *Arnal v. Fraser*, 371 S.C. 512, 641 S.E.2d 419 (2007) ("Rule 205, SCACR, provides the appellate court

with exclusive jurisdiction over matters on appeal. The lower court may only proceed with matters not affected by the appeal."); *Morris v. Morris*, 295 S.C. 37, 40, 367 S.E.2d 24, 26 (1988) ("This Court has exclusive jurisdiction over an appeal upon the service of a Notice of Intent to Appeal."); *Tillman*, 398 S.C. at 255 & n.3, 728 S.E.2d at 51 & n.3 (reiterating that "[u]nder Rule 205, the lower court is deprived of the power to proceed with matters that are affected by the appeal," and explaining that this rule "deprives the lower court of the power to address a particular issue, or 'matter,' during the pendency of the appeal"); *Binkley v. Burry*, 352 S.C. 286, 294, 573 S.E.2d 838, 843 (Ct. App. 2002) ("Once an appeal is filed, the appellate court has exclusive jurisdiction over the matter.").

Because this Court has made clear that it will not take action on orders not properly before it, the Altrad Defendants are left with no other option but to file an appeal in the hopes that a court substantively reviews and corrects the behavior of the Receiver in the lower court. Moreover, as the appellate courts require strict compliance with South Carolina issue preservation rules, this appeal was filed out of an abundance of caution to avoid waiver and to provide the Supreme Court with a complete record. *See, e.g.*, *Davis v. Parkview Apartments*, 409 S.C. 266, 281 & n.15, 762 S.E.2d 535, 543 & n.15 (2014) (Toal, C.J.) (characterizing unappealed discovery rulings as "law of the case," and refusing to address merits of orders underlying sanctions when each individual order was not appealed even though the orders themselves were, on their face, un-appealable). As is evident, this Order presents a continued violation of Rule 205 and thus, required appeal.

II. The order dismissing this appeal again ignores the fundamental nature of this (and the related) appeal.

With the circuit court continuing to set this case for trial over the objections of parties to the case and contrary to the request for jury trial, the appealed Order constitutes a continuation of the deprivation of one or more constitutional rights. Accordingly, this Order should have been

ruled immediately appealable pursuant to South Carolina Code § 14-3-330(2), which allows for appellate review of any "order affecting a substantial right made in an action when such order (a) in effect determines the action and prevents a judgment from which an appeal might be taken or discontinues the action, (b) grants or refuses a new trial or (c) strikes out an answer or any part thereof or any pleading in any action . . . ." The bases by which this Order is appealable do not differ from the June 20, 2024 Order.

The Altrad Defendants (among others) demanded a jury trial and are entitled to one under South Carolina law, both as to (1) the *Tibbs* plaintiffs' direct claims against Cape PLC, which do not exist in this case; and (2) the Receiver's so-called derivative claims, which cannot be considered as a matter of law unless and until any liability is first held against Cape PLC on the direct claims.

It is settled law that orders impacting mode of trial, including trial by jury, "affect substantial rights under S.C. Code Ann. § 14-3-330(2)" and are thus subject to immediate appeal. *Lester v. Dawson*, 327 S.C. 263, 266, 491 S.E.2d 240, 241 (1997); *see also Hagood v. Sommerville*, 362 S.C. 191, 196–97, 607 S.E.2d 707, 709 (2005) (mode of trial is a "well-established exception to the general rule" that nonfinal orders are nonappealable); *Senter v. Piggly Wiggly Carolina Co.*, 341 S.C. 74, 78, 533 S.E.2d 575, 577 (2000) ("The majority of cases requiring immediate appeal involve review of denials of trial by jury and are based on the public policy consideration of advancing the constitutional mandate to preserve the right to trial by jury inviolate.") (collecting cases).

Had this issue not been appealed here, the Altrad Defendants would undoubtedly risk either the Supreme Court deeming a prior appeal not a deprivation and having this deprivation be waived, or having the Receiver argue later that a failure to timely appeal constituted waiver. No litigant

should be forced to risk waiving a fundamental constitutional right, and in fact South Carolina law provides an easy solution to avoid the risk: an immediate right to appeal mode-of-trial orders. *See, e.g.*, *Lester*, 327 S.C. at 266, 491 S.E.2d at 241 (failure to immediately appeal "an order affecting the mode of trial effects a waiver of the right to appeal that issue"); Jean H. Toal, *et al.*, *Appellate Practice in South Carolina* 156 (3d ed. 2016) ("[T]he failure to timely appeal an order affecting the mode of trial effects a waiver of the right to appeal that issue."); *id.* at 157 (reiterating that "these orders must be appealed immediately"). The requirement of immediate appeal is intended to "preserve" the constitutional jury trial right "which would otherwise be lost" if appeal is delayed until final judgment. *Hagood*, 362 S.C. at 197, 607 S.E.2d at 709 (citing *Bateman v. Rouse*, 358 S.C. 667, 675, 596 S.E.2d 386, 390 (Ct. App. 2004)).

While this case has substantial defects raised in other appeals, a threshold issue remains here: no derivative liability can exist unless and until a jury first determines that Cape PLC has any liability to the *Tibbs* plaintiffs. *See, e.g.*, *First Gen. Servs. of Charleston, Inc. v. Miller*, 314 S.C. 439, 442, 445 S.E.2d 446, 447 (1994) ("Under Rule 14, the third-party plaintiff must have a substantive claim against the third-party defendant founded upon derivative liability."); *see also CNH Indus. Cap. Am. LLC v. Able Contr.*, Case No. 9:16-cv-2520-RMG, 2017 U.S. Dist. LEXIS 16988, at *3–4 (D.S.C. Feb. 7, 2017) ("The third party claim must be 'derivative' of the plaintiff's claim because derivative liability is central to the operation of Rule 14. It is not sufficient that the third-party claim is a related claim; the claim must be derivatively based on the original plaintiff's claim." "Rule 14(a) does not allow the defendant to assert a separate and independent claim even though the claim arises out of the same general set of facts as the main claim." In other words, impleader "must involve an attempt to pass on to the third party all or part of the liability asserted against the defendant." A third-party claim may be asserted under Rule 14(a)(1) "only when the

third party's liability is in some way dependent on the outcome of the main claim or when the third party is secondarily liable to the defending party." (quoting *Scott v. PPG Indus. Inc.*, 920 F.2d 927 (4th Cir. 1990))).

With the recent knowledge that the Receiver and the attorneys for the *Tibbs* and *Park* plaintiffs entered into a secret dismissal agreement as to the first-party claims in this case, the true apparent nature of this action was hidden from all of the third-party defendants. If the circuit court somehow believes that there may still be a chance of first-party liability against Cape PLC—even though the *Tibbs* plaintiffs' counsel have represented that Cape PLC is not an active defendant going to trial in this case—that can be established only after a jury trial. As with the order dismissing the appeal of the June 20 Order, this dismissal Order does not mention these fundamental reasons the October 2 Order was appealed. And it ignores the fact the very Notice of Appeal—and accompanying Motion to Consolidate—provided the Court with the reasons for appeal. Respectfully, the Court's dismissal order—which was based on "discovery," an issue that is unrelated to this appeal—indicates a general misunderstanding of the landscape of the case and the reason this Order was appealed as a part of a holistic approach to the Altrad Defendants' desire to vindicate their right to a jury trial and to ensure preservation of this substantial and constitutional right.

As with the earlier order on appeal in Appellate Case No. 2024-001446, the Order presented in this appeal deprives the Altrad Defendants of this right. And as a matter of long-settled South Carolina law, this Order *must* be appealed at this juncture.

III. The appealed order was a continuation of the June 20 Order and should have been consolidated with that appeal for the same reasons.

As with the June 20 Order, this Order impacts the mode of trial. That fact is inescapable. Such orders have been repeatedly deemed to "affect substantial rights under S.C. Code Ann. § 14-

3-330(2)" and are thus subject to immediate appeal. *Lester v. Dawson*, 327 S.C. 263, 266, 491 S.E.2d 240, 241 (1997); *see also Hagood v. Sommerville*, 362 S.C. 191, 196–97, 607 S.E.2d 707, 709 (2005) (mode of trial is a "well-established exception to the general rule" that nonfinal orders are non-appealable); *Senter v. Piggly Wiggly Carolina Co.*, 341 S.C. 74, 78, 533 S.E.2d 575, 577 (2000) (collecting cases and explaining that "[t]he majority of cases requiring immediate appeal involve review of denials of trial by jury and are based on the public policy consideration of advancing the constitutional mandate to preserve the right to trial by jury inviolate.").

If a jury ever assigns any liability to Cape PLC—which, as noted above, will never happen in this action because of the dismissal agreement between the Receiver and the *Tibbs* plaintiffs' counsel—then the Altrad Defendants are also entitled to a jury trial regarding the Receiver's claims. No doubt, the Receiver has attached labels to his claims to suggest they are equitable and not for a jury's consideration. But, in South Carolina, labels do not and cannot matter; the substance of a filing controls—as the Court reiterated recently. *See, e.g.*, *Brawley*, Howard Ad. Sh. 37, at 26 ("'The substance of the relief sought,' not the form, is typically what matters." (quoting *Mungo*, 306 S.C. at 26, 410 S.E.2d at 20)).

Here, the actual relief the Receiver seeks is money. As he puts it, the Receiver seeks "billions of dollars" from the third-party defendants as part of his crusade for a "reckoning." While he misleads by affixing equitable labels to his claims, his requested relief is limited to money. When a party seeks recovery of legal damages, a jury trial is available as a substantial and constitutional right, irrespective of how a litigant styles its claims. Rule 38(a), SCRCP.

Even if the Court believes that there are some equitable remedies in the Receiver's third-party complaint that push his pleading outside of this rule, there is no doubt that he seeks relief at law—"billions of dollars" in alleged damages—such that the equitable issues cannot be

determined until after a jury first resolves the legal issues. *See Floyd v. Floyd*, 306 S.C. 376, 379–80, 412 S.E.2d 397, 398–99 (1991) ("Even in a case in equity if, during the trial of such case, any question should arise which a party is entitled to have determined on the law side of the court, such determination should be had. Where legal and equitable issues and rights are asserted in the same complaint, legal issues are for determination by a jury and equitable issues for the judge sitting as chancellor."); *Bateman*, 358 S.C. at 673, 596 S.E.2d at 389 ("Where legal and equitable issues or rights are raised in the same complaint, the legal issues are for determination by a jury and the equitable issues are for determination by the court.").

The Receiver has even conceded in his filings to the circuit court that his claims "sound[] in equity ***and law***." (Receiver's Motion to Preadmit Exhibits as a Discovery Sanction at 2 (Apr. 3, 2024) (emphasis added)). That admission as to the June 20 Order makes a jury trial unavoidable below. But like the first-party jury trial issue discussed above, the Court never acknowledged any of the substance of the Receiver's third-party claims and has now compounded that error by refusing to accept this order on appeal. The Court must have misunderstood or misapprehended the posture of this case when it dismissed the appeal because the Receiver himself has conceded that his claims sound in law, entitling the Altrad Defendants to the jury trial they demanded in their responsive pleading and to which they have now been deprived. As this Order constitutes a continuation of that error, this appeal should have been permitted. Rehearing is therefore essential to correct the errors below.

IV. The Court overlooked the reason for the appeal as contained in the motion to consolidate.

In addition to the reasons for rehearing set forth above, this Court misapprehended or overlooked the reason for appeal as contained in the Motion to Consolidate and as noted in the Notice of Appeal. As stated in the Motion to Consolidate, which was not addressed by the Court:

> Rule 214 states: "Where there is more than one appeal from the same order, judgment, decision or decree, or where 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. Here, the pending appeal in Appellate Case No. 2024-001446 involves the deprivation of the Altrad Defendants' (among others') right to trial by jury. That same "question," within Rule 214, is implicated by the entry of the appealed Order here. Moreover, the October 2nd Order compounds the prior mode-of-trial error case while also violating Rule 205's jurisdictional prohibitions on proceeding below. Thus, there are common issues implicated, and consolidation would serve the purpose of providing the Court with a full record in Appellate Case No. 2024-001446.
>
> As there is no other mechanism to properly put this Order before the Court and make it a part of the appellate record, this Motion to Consolidate should be granted. *See Limehouse v. Hulsey*, 404 S.C. 93, 96, 744 S.E.2d 566, 568 (2013) (applying Rule 214)[.]

See Motion to Consolidate.

Had the Court not overlooked or misapprehended the content of the Notice of Appeal and the Motion to Consolidate, it would have become apparent that this appeal focuses on the content of a prior appeal and was perfected because the South Carolina Appellate Court Rules provide no other mechanism to put orders before the appellate courts for the necessary review.

SUGGESTION FOR REHEARING *EN BANC*

For the same reasons as this Court should have reheard the appeal of the June 20, 2024 Order, this Court must rehear this appeal to provide a full appellate record to the Supreme Court. The issues are intricately tied together, and review by the entire Court will ensure the issues are fully vindicated and the Supreme Court can review the entirety of what is occurring below. As with the prior appeal, the Court dismissed this appeal on the merits. Even more concerning, the Court dismissed the appeal without any citation to applicable case law, instead referencing discovery dispute cases which are decidedly inapplicable here.

As it stands, the Altrad Defendants have had a constitutional right taken from them without the benefit of briefing or even preparation of an appellate record. And they have had that right taken from them even though South Carolina law is settled that orders depriving a litigant of its right to a jury trial must be appealed at once. *See, e.g.*, *Lester*, 327 S.C. at 266, 491 S.E.2d at 241 (failure to immediately appeal "an order affecting the mode of trial effects a waiver of the right to appeal that issue"); Jean H. Toal, *et al.*, *Appellate Practice in South Carolina* 156 ("[T]he failure to timely appeal an order affecting the mode of trial effects a waiver of the right to appeal that issue."); *id.*at 157 (reiterating that "these orders must be appealed immediately").

The full Court should allow this Order to be combined with the appeal of the June 20, 2024 Order. *Sua sponte* dismissal was incorrect as a matter of law, and a proper review of what is occurring below leads to only one conclusion—the circuit court should not be permitting the Receiver to forge ahead with this illusory case. Accordingly, the Altrad Defendants respectfully request that the Court grant this petition and rehear this matter in an *en banc* capacity.[3]

Signature Page Attached

[3] As with their other filings, the Altrad Defendants file this petition without waiving, but instead specifically preserving, all objections to personal jurisdiction and other defects below.

Respectfully submitted,

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November 20, 2024

PROOF OF SERVICE

I, the undersigned of the law offices of Womble Bond Dickinson (US) LLP, attorneys for Appellants Altrad Investment Authority SAS and Mohed Altrad, do hereby certify that I have served all parties to this appeal with a copy of the pleading(s) specific below by emailing them at the addresses below:

Pleading(s): Altrad Defendants' Petition for Rehearing and Suggestion of Rehearing *En Banc*

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November 20, 2024