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Dec 13 2024

S.C. SUPREME COURT

SIGNATURE ■■■

Signature Litigation LLP
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11 December 2024

**By email, International Tracked & Signed and International
Traced and International Post**

Mr Peter D. Protopapas
2110N Beltline Blvd,
Columbia,
South Carolina 29204,
United States of America

Our ref

5346.1

pdp@rplegalgroup.com

Dear Sirs/Madams

**BL-2024-001337: Cape Intermediate Holdings Limited and Cape Plc v Peter D. Protopapas (the
"Proceedings")**

Please enclosed, by way of service the following documents:

1. The Claimants' Application dated 11 December 2024;
2. The Draft Order;
3. The Third Witness Statement of Ran Oren dated 11 December 2024;
4. Exhibit RO3.

We are requesting the Court to determine the Application at a one hour hearing before Mr Justice Mann on 13 December 2024. You have the right to respond to the Application.

We should be grateful if you could acknowledge receipt of this letter.

Yours faithfully



Signature Litigation LLP

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www.signatrelitigation.com

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Application notice

For help in completing this form please read the notes for guidance form N244Notes.

Find out how HM Courts and Tribunals Service uses personal information you give them when you fill in a form: <https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

Name of court <small>HIGH COURT, BUSINESS AND PROPERTY COURTS, BUSINESS LIST (CHD)</small>	Claim no. BL-2024-001337
Fee account no. (if applicable)	Help with Fees – Ref. no. (if applicable)
	HWF - <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/>
Warrant no. (if applicable)	
Claimant's name (including ref.) (1) Cape Intermediate Holdings Limited (2) Cape Plc	
Defendant's name (including ref.) Peter D Protopapas	
Date	11 December 2024

1. What is your name or, if you are a legal representative, the name of your firm?

Signature Litigation LLP

2. Are you a Claimant Defendant Legal Representative
 Other (please specify)

If you are a legal representative whom do you represent?

Claimants/Applicants

3. What order are you asking the court to make and why?

Pursuant to the liberty to apply provision at paragraph 11 of the Court's order made in these proceedings on 22 November 2024, the Claimants seek further declarations and injunctions in relation to the Defendant's conduct. The Claimant also seeks the Court's permission to abridged time for service due to urgency under CPR23.7(4)(b).

4. Have you attached a draft of the order you are applying for? Yes No

5. How do you want to have this application dealt with? at a hearing without a hearing
 at a remote hearing

6. How long do you think the hearing will last? Hours Minutes
 Is this time estimate agreed by all parties? Yes No

7. Give details of any fixed trial date or period

N/A

8. What level of Judge does your hearing need?

Judge- Mr Justice Mann

9. Who should be served with this application?

The Defendant

9a. Please give the service address, (other than details of the claimant or defendant) of any party named in question 9.

2110N Beltline Blvd, Columbia, South Carolina 29204, United States of America

10. What information will you be relying on, in support of your application?

- the attached witness statement
- the statement of case
- the evidence set out in the box below

If necessary, please continue on a separate sheet.

The grounds upon which the application is made are set out in the attached third witness statement of Ran Oren dated 11 December 2024.

11. Do you believe you, or a witness who will give evidence on your behalf, are vulnerable in any way which the court needs to consider?

Yes. Please explain in what way you or the witness are vulnerable and what steps, support or adjustments you wish the court and the judge to consider.

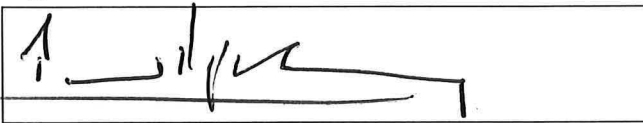
No

Statement of Truth

I understand that proceedings for contempt of court may be brought against a person who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

- I believe** that the facts stated in section 10 (and any continuation sheets) are true.
- The applicant believes** that the facts stated in section 10 (and any continuation sheets) are true. **I am authorised** by the applicant to sign this statement.

Signature



- Applicant
- Litigation friend (where applicant is a child or a Protected Party)
- Applicant's legal representative (as defined by CPR 2.3(1))

Date

Day	Month	Year
1 1	1 2	2 0 2 4

Full name

Paul Brehony

Name of applicant's legal representative's firm

Signature Litigation LLP

If signing on behalf of firm or company give position or office held

Partner

Applicant's address to which documents should be sent.

Building and street

138 Fetter Lane

Second line of address

Town or city

London

County (optional)

Postcode

E	C	4	A	1	B	T
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If applicable

Phone number

020 3818 3500

Fax phone number

DX number

Your Ref.

5346.1

Email

sl-cape@signaturelitigation.com

IN THE HIGH COURT OF JUSTICE

BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES

BUSINESS LIST (CHD)

Before Mr Justice Mann, sitting in retirement

B E T W E E N:

- (1) CAPE INTERMEDIATE HOLDINGS LIMITED
(2) CAPE PLC (a company incorporated under the laws of Jersey)

Claimants

- and -

PETER D. PROTOPAPAS

Defendant

PENAL NOTICE

IF YOU THE DEFENDANT DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.

ANY PERSON WHO KNOWS OF THIS ORDER AND DISOBEYS THIS ORDER OR DOES ANYTHING WHICH HELPS OR PERMITS ANY PERSON TO WHOM THIS ORDER APPLIES TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED

ORDER

UPON THE CLAIM of Cape Intermediate Holdings Limited (“**CIHL**”) and Cape plc (“**the Claimants**”) issued against the Defendant, Peter D Protopapas (“**Mr Protopapas**”), by Part 8 Claim Form on 6 September 2024

AND UPON judgment in the claim having been handed down by Mr Justice Mann, sitting in retirement (“**Mr Justice Mann**”), on 22 November 2024

AND UPON Mr Justice Mann having made declarations in relation to the Defendant’s status and authority over CIHL and injunctions restraining the Defendant from taking certain specified actions in relation to (or purportedly in relation to) CIHL (the “**22 November Order**”)

AND UPON the application of the Claimants dated 11 December 2024 under the liberty to apply provision at paragraph 11 of the 22 November Order, seeking a declaration in relation to filings made by the Defendant in the courts of South Carolina on 6 December 2024 (the “**Application**”)

AND UPON READING the further evidence, being the third witness statement of Ran Oren dated 11 December 2024 (“**Oren 3**”), which describes further steps taken by Mr Protopapas in the third-party claim issued by Mr Protopapas in the Tibbs Claim (as defined in Oren 1, the “**3P Complaint**”)

AND UPON HEARING counsel for the Claimants, Mr Derrick Dale KC[, and counsel for the Defendant].

AND UPON the Court directing that, in the circumstances of the case, sufficient notice has been given and will hear the Application under CPR23.7(4)(b)

IT IS DECLARED THAT

1. Mr Protopapas' filings in the courts of South Carolina on 27 November 2024 (as described in Oren 3) were made without any authority to act as a receiver of CIHL, and they are a breach of the injunctions at paragraphs 6 and 9 of the 22 November Order.
2. Mr Protopapas' filings in the courts of South Carolina on 6 December 2024 (as described in Oren 3) were made without any authority to act as a receiver of CIHL, and they are a breach of the injunctions at paragraphs 6 and 9 of the 22 November Order.
3. Mr Protopapas is liable to indemnify CIHL for all loss and damage arising out of Mr Protopapas' pursuit of the 3P Complaint purportedly in the name of and on behalf of CIHL and all conduct purportedly undertaken by Mr Protopapas in the name of CIHL.

AND IT IS ORDERED THAT

4. Mr Protopapas shall take no further steps in the 3P Complaint, other than as required under paragraph 5 below.
5. Mr Protopapas shall forthwith take all necessary steps to discontinue the 3P Complaint.
6. Mr Protopapas shall forthwith cease and desist from holding himself out as acting for and on behalf of CIHL.
7. The Claimants' costs of and occasioned by this application be paid by the Defendant on the [standard] [indemnity] basis, to be a matter of detailed assessment if not agreed.
8. The Claimants shall have liberty to apply for further or related relief.
9. Mr Protopapas may, within 7 days after the date on which this order is served on him, apply to set aside or vary this order.

Service of this Order

The Claimants shall serve a copy of this order and of the Application on Mr Protopapas.

The court has provided a sealed copy of this order to the serving party, Signature Litigation LLP, 138 Fetter Lane, London, EC4A 1BT.

[] December 2024

BL-2024-001337

Third Witness Statement

Claimants

11 December 2024

Exhibit RO3

IN THE HIGH COURT OF JUSTICE

BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES

BUSINESS LIST (CHD)

B E T W E E N:

(1) CAPE INTERMEDIATE HOLDINGS LIMITED

(2) CAPE PLC (a company incorporated under the laws of Jersey)

Claimants

- and -

PETER D. PROTOPAPAS

Defendant

THIRD WITNESS STATEMENT OF RAN OREN

1. I, Ran Oren, company director, of Cape Intermediate Holdings Limited, Units 6 & 7 Lyncastle Way, Appleton Thorne Trading Estate, Warrington, WA4 4ST, make this statement and shall say as follows:

A. INTRODUCTION

2. I am a director of the first claimant, Cape Intermediate Holdings Limited ("**CIHL**"), and second claimant, Cape Plc ("**Cape Plc**") (CIHL and Cape Plc together the "**Claimants**"). I am the same Ran Oren who has made two previous witness statements in these proceedings: "**Oren 1**" dated 6 September 2024 and "**Oren 2**" dated 8 November 2024.

3. I make this witness statement in support of the Claimants' application made by a Form N244 application notice dated 11 December 2024 (the "**Application**") seeking further and related

declaratory relief against Peter D. Protopapas (“**Mr Protopapas**”, also the “**Defendant**” or the “**Receiver**”).

4. The purpose of this witness statement is to update the Court on relevant developments since the handing down of the Court’s judgment in the Claim on 22 November 2024, and to set out the evidence upon which the Claimants rely in this Application. Where necessary, I cross refer to and adopt the defined terms used in Oren 1 and in Oren 2. The Application is made on an urgent basis because of the fast moving events in South Carolina where Mr Protopapas’ continuing actions purportedly on behalf of CIHL, as described at section D below, are continuing to cause immediate and ongoing prejudice to CIHL.
5. Save where the contrary appears, the facts and matters contained in this witness statement are within my own knowledge, derived from my knowledge of this Claim, and as set out in Oren 1 and Oren 2.
6. There is now produced and shown to me a paginated bundle of true copy documents marked “**RO3**”. All references to tabs/page numbers in this statement are to Exhibit RO3 unless otherwise stated.
7. For the avoidance of doubt, in making this witness statement, and in referring to particular legal proceedings in other jurisdictions, I do not intend to waive privilege or submit to those jurisdictions.
8. This witness statement is structured as follows:
 - (a) **Section B** sets out the steps taken by the Claimants following the handing down of judgment in the Claim on 22 November 2024;
 - (b) **Section C** sets out the steps taken by the Third-Party Defendants to the 3P Complaint on and following 22 November 2024;
 - (c) **Section D** sets out the steps taken by Mr Protopapas and his legal representatives;
 - (d) **Section E** outlines the Claimants’ request for relief; and
 - (e) **Section F** outlines the reasons for urgency of the Application;
 - (f) **Section G** states brief conclusions.
9. As at the date of this witness statement, I note that Toal J has not taken any further steps or made any other orders since 22 November 2024.

B. THE STEPS TAKEN BY THE CLAIMANTS ON AND FOLLOWING 22 NOVEMBER 2024

10. From 12 to 14 November 2024, I attended the hearing of the Claim in the Rolls Building, Fetter Lane, London (the “**Rolls Building**”) before Mr Justice Mann, sitting in retirement (“**Mr Justice Mann**”).
11. On 22 November 2024, I attended Court 17 in the Rolls Building at 2pm for the hand down of Mr Justice Mann’s judgment in the Claim (the “**22 November Judgment**”).
12. Later in the afternoon following the hand down hearing, I understand that Mr Justice Mann confirmed and sealed an order of the Court giving effect to the 22 November Judgment (the “**22 November Order**”).
13. At 6pm on 22 November 2024, the Claimants’ legal representatives, Signature Litigation LLP (“**Signature**”) sent an email to Mr Protopapas attaching the 22 November Judgment, the 22 November Order and a covering letter (together, the “**22 November Service**”) [**RO3/5-7 and RO3/96**].
14. On Monday 25 November 2024, the 22 November Service was also sent to Mr Protopapas by international post, international tracked post and international tracked and signed post, in each case to Mr Protopapas’ professional address at 2110N Beltline Blvd, Columbia, South Carolina 29204, United States of America [**RO3/97-99**]. Mr Protopapas was therefore served in compliance with the order of Master Brightwell dated 11 September 2024 granting the Claimants permission to serve documents in the Claim on Mr Protopapas out of the jurisdiction (the “**Service Out Order**”) [**RO3/90-91**].
15. On 27 November 2024, Signature sent a letter to Mr Protopapas, by email, formally instructing him to cease and desist all conduct relating to CIHL in accordance with the 22 November Judgment and in accordance with the terms of the 22 November Order (the “**Cease and Desist Notice**”) [**RO3/100-101**].
16. On 28 November 2024, the Cease and Desist Notice was also sent to Mr Protopapas at his professional address in South Carolina by international post, international tracked post and international tracked and signed post [**RO3/102-104**].
17. Also, on 28 November 2024 - and in light of steps taken by Mr Protopapas in the South Carolina Court on 27 November 2024 (as referred to at paragraph 22 below) – Signature sent a further letter to Mr Protopapas, by email, reiterating the points made in the Cease and Desist Notice [**RO3/105-106**]. This letter also included a copy of the 22 November Order to which a penal notice had been added to the front in accordance with CPR 81.2 [**RO3/92-95**].
18. On 10 December 2024 – and in light of steps taken by Mr Protopapas in the South Carolina Court on 6 December 2024 (as referred to at paragraph 24 below) – Signature sent a further letter to Mr Protopapas, by email, reiterating that Mr Protopapas was continuing to act in breach of the 22 November Order and putting Mr Protopapas on notice that the Claimants were

considering bringing contempt of court proceedings and proceedings in relation to Mr Protopapas' tortious liability to CIHL [RO3/107-108]. This letter enclosed a copy of the Approved Judgment of Mr Justice Mann with the editorial corrections provided on 6 December 2024 [RO3/8-89]. This letter and enclosure was sent by international post, international tracked post and international tracked and signed post, to Mr Protopapas' professional address the following day [RO3/109-111].

19. Signature has also notified Mr Protopapas' legal representatives in the USA in relation to the 22 November Judgment and the 22 November Order:

- (a) On 27 November 2024, Signature sent a letter, by email, to a number of lawyers at Morgan Lewis & Bockius (US) LLP and Morgan Lewis & Bockius (UK) LLP (together "**Morgan Lewis**") who had acted for Mr Protopapas in his purported capacity as Receiver of CIHL [RO3/112-114]. This letter set out the basis for the 22 November Judgment and requested confirmation that Morgan Lewis would advise their client, Mr Protopapas, to comply with the terms of the 22 November Order.
- (b) On 29 November 2024, Signature sent a letter, by email, to a lawyer at Smith Robinson LLC who had acted for Mr Protopapas in his purported capacity as Receiver in the Park Claim, in the Tibbs Claim and in the 3P Complaint [RO3/115-116]. This letter set out the basis for the 22 November Judgment and the effect of the 22 November Order (a copy of the 22 November Order was enclosed [RO3/92-95]).
- (c) On 29 November 2024, Signature sent a letter, by email, to a lawyer at Gallivan, White & Boyd, P.A. who had acted for Mr Protopapas in his purported capacity as Receiver over CIHL in the Tibbs Claim and in the 3P Complaint [RO3/117-118]. This letter set out the basis for the 22 November Judgment and the effect of the 22 November Order (a copy of the 22 November Order was enclosed [RO3/92-95]).
- (d) On 10 December 2024, Signature sent a further letter to Morgan Lewis reiterating the effect of the 22 November Judgment and the 22 November Order, and also including a copy of the 22 November Order to which a penal notice had been added to the front in accordance with CPR 81.2 [RO3/119-120]. A link to the 22 November Judgment was also sent on 11 December 2024 [RO3/8-89].

C. THE STEPS TAKEN BY THE THIRD-PARTY DEFENDANTS ON AND FOLLOWING 22 NOVEMBER 2024

20. On 22 November 2024, Mr Altrad and AIA SAS filed two documents in the Court of Common Pleas for the Fifth Judicial Circuit of the State of South Carolina, County of Richland (the "**South Carolina Court**"):

(a) A “Notice of Judgment and Order”, which confirmed and enclosed the 22 November Judgment and the 22 November Order **[RO3/121-123]**, and

(b) A “Memorandum in Opposition to Motion for Summary Judgment”, which stated, among other things, that Mr Protopapas’ Motion for summary judgment should be dismissed based on the 22 November Judgment and the 22 November Order **[RO3/124-163]**.

21. On 24 November 2024, Mr Altrad and AIA SIS filed a “Supplement to the Altrad Defendants’ Petitions for a Writ of Certiorari”, which, amongst other things, provided the Supreme Court of South Carolina with an update in relation to the 22 November Judgment and the 22 November Order **[RO3/164-177]**.

D. STEPS TAKEN BY MR PROTOPAPAS AND HIS LEGAL REPRESENTATIVES

22. Neither Mr Protopapas nor his legal representatives have provided any response to any of the letters described at paragraphs 12-18 above.

23. On 27 November 2024, Mr Protopapas (purporting to continue acting as “*the Receiver for Cape PLC, individually and as successor in interest to Cape Asbestos Company Ltd., n/k/a Cape Intermediate Holdings Ltd*”) filed various documents in the South Carolina Court, comprising:

(a) Two expert reports of Dr Castleman and Dr Press **[RO3/178-194 and RO3/195-307]**;

(b) Expert Witness Disclosure **[RO3/308-312]**;

(c) CV of James Buxton, Esq **[RO3/313-315]**;

(d) Amended and Supplementary Responses to Third-Party Defendant De Beers Consolidated Mines Proprietary Limited’s First Set of Interrogatories **[RO3/316-327]**;

(e) Supplemental Responses to Third-Party Defendant De Beers Consolidated Mines Proprietary Limited’s First Set of Requests for Production **[RO3/328-335]**; and

(f) Certificate of Service **[RO3/336-347]**

(together, the “**27 November Filings**”).

24. The 27 November Filings were made by, and under cover of a letter from, Mr Protopapas’ attorneys Gallivan, White & Boyd, P.A.

25. On 6 December 2024, Mr Protopapas filed four further documents in the courts of South Carolina:

(a) The “Report on Cape Receivership in the Asbestos Court”, filed in the South Carolina Court (the “**Report**”) **[RO3/348-462]**;

- (b) The “Motion To Strike Petitioners’ Supplements To Petitions For Writ Of Certiorari And Supplemental Appendix” (the “**Motion to Strike**”), filed in the South Carolina Supreme Court, which attached a copy of the Report and which sought to strike out Mr Altrad and AIA SIS’s filing referred to at paragraph 19 above [**RO3/463-470**];
 - (c) A Letter to the South Carolina Supreme Court filing the Motion to Strike [**RO3/471**]; and
 - (d) A Proof of Service of the Motion to Strike [**RO3/472-475**]
- (together, the “**6 December Filings**”).

26. I note that the 6 December Filings were made, not by any of Mr Protopapas’ legal representatives, but by Mr Protopapas personally giving his professional address and email address.
27. Each of the 6 December Filings states that it is made by “*Peter D. Protopapas, Receiver*”. The Motion (and the Report) are submitted by Mr Protopapas purportedly as “*court-appointed Receiver for Cape PLC, individually and as successor in interest to Cape Asbestos Company Ltd., n/k/a Cape Intermediate Holdings Ltd*”. In the Report, Mr Protopapas also refers to the filing being “*submitted by me, Peter D. Protopapas, as the Receiver for Cape*”. Mr Protopapas is therefore continuing to hold himself out as a receiver of CIHL and he is continuing to file documents in proceedings in the name of CIHL and in the purported capacity as receiver of CIHL.

E. THE CLAIMANTS’ REQUEST FOR RELIEF

28. I believe that the making of the 27 November Filings and the 6 December Filings has involved Mr Protopapas – contrary to paragraph 6 of the 22 November Order – continuing to act purportedly as an agent or otherwise on behalf of CIHL pursuant to the Receivership Order.
29. I also believe that the 27 November Filings and the 6 December Filings are only consistent with Mr Protopapas – contrary to paragraph 9 of the 22 November Order – continuing to prosecute the 3P Complaint.
30. I therefore believe that Mr Protopapas is acting in breach of the injunctions contained in the 22 November Order.
31. The Claimants therefore seek a declaration that the 27 November Filings and the 6 December Filings are each in breach of the injunctions contained in the 22 November Order.
32. In addition, given the above, further relief is now sought from the Court requiring Mr Protopapas to take all necessary steps to discontinue the 3P Complaint and to indemnify CIHL for all loss and damage arising out of by Mr Protopapas’ pursuit of the 3P Complaint and all conduct purportedly undertaken by Mr Protopapas in the name of CIHL.

33. The relief sought follows on from the 22 November Judgment and is required given the conduct of Mr Protopapas since the 22 November Judgment in breach of the 22 November Order.
34. The Court is also requested to seal the order sought in a form that contains the penal notice on the face of the sealed order.

F. REASONS FOR URGENCY OF THE APPLICATION

35. I am informed by Signature that the Application requires the Court's permission to abridge time for service due to the urgency of the Application being made (under CPR23.7(4)(b)).
36. The Application needs to be heard at short notice for the following reasons:
 - (a) In breach of the 22 November Judgment and 22 November Order, Mr Protopapas is continuing to hold himself out as receiver of CIHL and is continuing to file documents in proceedings in the name of CIHL and in the purported capacity as receiver of CIHL, and will continue to do so unless enjoined immediately from so acting;
 - (b) The actions taken by Mr Protopapas are highly prejudicial and continue to cause CIHL loss and damage both in this jurisdiction and worldwide, and every day that that conduct is allowed to persist only accentuates that loss and damage;
 - (c) Despite the worldwide effect of the 22 November Judgment and 22 November Order and the various cease and desist letters sent by Signature to Mr Protopapas, Mr Protopapas continues to act in direct contravention of the Court's judgment, perpetuating the unlawful behaviour and prejudice caused to CIHL by his actions in South Carolina.

G. CONCLUSION

37. I believe that the 27 November Filings and the 6 December Filings represent serious breaches of the injunctions contained in the 22 November Order. Accordingly, it is requested that the Court grants the further relief sought.

Statement of truth

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Ran Oren

Dated: 11 December 2024

Signed:

A handwritten signature in black ink, appearing to read 'Ran', with a long horizontal stroke extending to the right.

**Third Witness Statement
Claimants
11 December 2024
Exhibit RO3**

Claim No. BL-2024-001337

**IN THE BUSINESS AND
PROPERTY COURTS OF
ENGLAND AND WALES
CHANCERY DIVISION
BUSINESS LIST**

BETWEEN:

**CAPE INTERMEDIATE
HOLDINGS LIMITED**

**CAPE PLC (a company
incorporated under the laws of
Jersey)**

Claimants

and

PETER D. PROTOPAPAS

Defendant

**THIRD WITNESS STATEMENT
OF
RAN OREN**

Signature Litigation LLP
138 Fetter Lane
London EC4A 1BT
Ref: PB/JW/GB/CC/5346
Tel +44 (0)20 3818 3500