

# The Supreme Court of South Carolina

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

v.

3M Company, et al., Defendants,

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., et al., Third-Party Defendants,

Of which Mohed Altrad, Altrad Investment Authority SAS, Charter Consolidated Ltd., ESAB Corporation, and Central Mining & Investment Corporation Ltd. are the Petitioners.

Appellate Case No. 2024-000916

AND

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

v.

3M Company, et al., Defendants,

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., et al., Third-Party Defendants,

Of which Charter Consolidated Ltd., ESAB Corporation, and Central Mining & Investment Corporation Ltd. are the Petitioners.

Appellate Case No. 2024-001423

AND

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

v.

3M Company, et al., Defendants,

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., et al., Third-Party Defendants,

Of which Mohed Altrad and Altrad Investment Authority

S.A.S. are the Petitioners.

Appellate Case No. 2024-001499

AND

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

v.

3M Company, et al., Defendants,

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., et al., Third-Party Defendants,

Of which ArranCo US, LLC, Hawk Bidco US Inc., Sparrows Offshore, LLC, Mohed Altrad, Altrad Investment Authority SAS, Charter Consolidated Ltd., ESAB Corporation, and Central Mining & Investment Corporation Ltd. are the Petitioners.

Appellate Case No. 2024-002114

AND

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

v.

3M Company, et al., Defendants,

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., et al., Third-Party Defendants,

Of which Mohed Altrad and Altrad Investment Authority S.A.S. are the Petitioners.

Appellate Case No. 2024-002116

AND

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

v.

3M Company, et al., Defendants,

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., et al., Third-Party Defendants,

Of which Charter Consolidated Ltd., ESAB Corporation,  
and Central Mining & Investment Corporation Ltd. are  
the Petitioners.

Appellate Case No. 2024-002117

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ORDER

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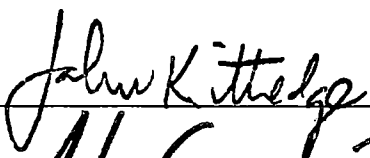
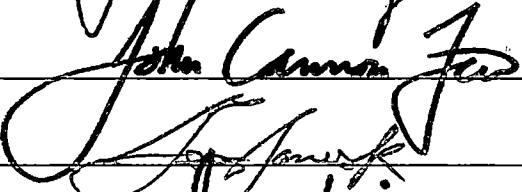


Peter D. Protopapas, Receiver for Cape PLC, individually and as successor in interest to Cape Asbestos Company Limited, has filed a motion for a writ of supersedeas and a temporary restraining order and a motion to stay the filing deadlines pending resolution of the motion for a writ of supersedeas.

The basis for the supersedeas request is an order issued by Justice Mann of the High Court of Justice Business and Property Courts of England and Wales Business List (CHD) (the English Court Order), which declares the March 16, 2023 order issued by the South Carolina Fifth Judicial Circuit Court appointing the Receiver "is not recognised and has no legal effect in England and Wales and worldwide." The Order further restrains the Receiver's actions on behalf of Cape Intermediate Holdings Limited "in England and Wales . . . *in the South Carolina Court* and worldwide." (Emphasis added). The English Court Order threatens the Receiver, as well as any person who knows of and disobeys the Order or does anything that helps or permits any person to whom the Order applies to breach the terms of the Order, with contempt of court, imprisonment, fines, or seizure of assets.

Any attempt by a foreign court to intervene in and threaten the participants in matters properly pending in the courts of South Carolina would be shocking and indefensible. The dispute giving rise to the English Court's attempt to intervene in these matters involves the appropriate reach of the Receiver appointed by the South Carolina Circuit Court—an issue this Court will hear during its February term of court and resolve after oral argument.

As an independent judiciary in a sovereign independent state, we are well-equipped to decide the issues presented to us. In the interim, all parties shall comply with all scheduling orders and rules, and all proceedings in these matters will continue in the ordinary course in the circuit court and this Court.

Having addressed the underlying and legitimate concerns of the parties related to the English Court Order, we conclude there is no reason for a writ of supersedeas to be issued in these matters. Therefore, we deny the Receiver's emergency motion for supersedeas and motion to stay the filing deadlines.

  
\_\_\_\_\_ C.J.  
  
\_\_\_\_\_ J.  
  
\_\_\_\_\_ J.  
  
\_\_\_\_\_ J.

Verdin, J., not participating

Columbia, South Carolina  
January 16, 2025

cc:

Matthew Todd Carroll  
Kevin A. Hall  
Mary Elizabeth O'Neill  
Steven James Pugh  
Benjamin Palmer Carlton  
Carmen Vaughn Ganjehsani  
Ashwin Ray Sanzgiri  
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John Thomas Lay, Jr.  
Gray Thomas Culbreath  
Lindsay Anne Joyner  
Eleanor Lasseigne Jones  
Jonathan M. Robinson  
Shanon N. Peake  
G. Murrell Smith, Jr.