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February 21, 2025

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S.C. SUPREME COURT

VIA EMAIL ONLY

Honorable Patricia A. Howard, Clerk
South Carolina Supreme Court
P. O. Box 11330
Columbia, SC 29211-1330
supctfilings@sccourts.org

Re: John A. Tibbs and Margaret B. Tibbs v. 3M Company, et al.
Appeal Case No.: 2023-001461
Underlying Case No.: 2023-CP-40-01759
YCR File: 17800-20230595

Dear Ms. Howard:

At the oral arguments in this case which took place on Tuesday, February 11, 2025, the Court inquired whether or not the Québec Business Concerns Records Act (QBCRA) could be avoided or “worked around” so that ACL and Atlas would be able to provide documents in response to pending litigation in South Carolina without violating its provisions. In order to respond to this request, it was placed before Jacques R. Fournier. Mr. Fournier is now in private practice, but was previously associate Chief Justice and then Chief Justice of the Superior Court of Québec. In addition, he previously served on the Court of Appeals. A copy of his curriculum vitae is attached as Exhibit A.

Mr. Fournier responded to this request. His response is attached as Exhibit B and incorporated herein by reference. As noted, he is unaware of the ability to create a “work around” to the law. Likewise, a previous opinion obtained by ACL concerning the applicability, interpretation, and development of the QBCRA from Mr. Fournier is attached as Exhibit C. It provides a very helpful overview of the QBCRA and establishes that ACL takes very seriously the conflict between its terms and its requirements to comply with discovery in litigation pending in this state.

Finally, Judge Thomas, sitting by designation, asked the specific question whether absent the QBCRA, would ACL participate in producing documents in pending cases? My response was I believed that they would, but would need to confirm that with my client. I am informed absent the QBCRA, ACL would participate in discovery and the production of documents as would any other litigant.

I thank the court for their consideration of this information as well as its inquiry into these issues.

With best wishes and kindest regards, I am

Sincerely,

CLEMENT RIVERS, LLP



Stephen L. Brown

SLB/amj

Enclosures

cc: All counsel of record via email only