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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. 2024-001997
Circuit Court Case No. 2022-CP-40-01265

Sarah J. Plant and Parker Plant, Plaintiffs,

v.

Avon Products, Inc.; Amaco, LLC; American Art Clay Co. Inc.;
The Bargain Barn, LLC; Beacon CMP Corporation; Belk, Inc.;
Block Drug Company, Inc.; Brenntag North America, Inc.;
Brenntag Specialties, LLC; Bristol-Myers Squibb Company;
Chattem, Inc.; Colgate-Palmolive Company; Color Techniques,
Inc.; Conopco, Inc.; Coty Inc.; Dana Classic Fragrances, Inc.;
Dillard's, Inc.; Dollar General Corporation; Elizabeth Arden, Inc.;
Estee Lauder Inc.; Estee Lauder International, Inc.; The Estee
Lauder Companies Inc.; Hamrick's Incorporated; Highwater Clays,
Inc.; Houbigant, Inc.; IMI Fabi (Diana) LLC; IMI Fabi (USA) Inc.;
IMI Fabi, LLC; Ingles Markets, Incorporated; L'Oreal USA, Inc.;
L'Oreal USA Products, Inc.; Lowcountry Grocers LLC; Martin
Himmel Inc.; May Kay Inc.; Maybelline LLC; Noxell Corporation;
Pfizer Inc.; R.T. Vanderbilt Holding Company, Inc.; Revlon
Consumer Products Corporation; Revlon, Inc.; Rite Aid of South
Carolina, Inc.; Southeastern Grocers, Inc.; Topco Associates, LLC;
Vanderbilt Minerals, LLC; Variety Wholesalers, Inc.; Variety
Wholesalers, Inc.; Vi-Jon, LLC; Walgreen Co.; Walmart, Inc.;
Whittaker, Clark & Daniels, Inc.; Winn-Dixie Stores, Inc.; Yves
Saint Laurent America, Inc. Defendants,

of which

IMI Fabi (Diana) LLC; IMI Fabi (USA) Inc.; and IMI Fabi, LLC
are the Appellants.

APPELLANTS' DESIGNATION OF MATTER

Pursuant to Rule 209, SCACR, Appellants designate the following materials for inclusion in the record on appeal:

Orders

1. Amended Order Granting Plants' Motion for a New Trial (Oct. 28, 2024).
2. Order Following 2nd Hearing Regarding Plaintiffs' Motion for a New Trial (June 28, 2024).

Pleadings

3. Amended Complaint (Apr. 11, 2022).
4. Answers from each IMI Fabi Entity (Feb. 23, 2023).

Transcripts

5. Trial Transcript Pages: 102–10, 280, 470, 708, 1060–61, 1178–1246, 1333, 1549–63, 1623–25, 1833–34, 1894–95, 1912, 2018–21, 2026–27, 2030.
6. Fabi Deposition Transcript Pages: 25, 26, 36, 41–43, 57–70, 100.
7. Hearing Transcript (April 26, 2024).
8. Hearing Transcript (June 26, 2024).
9. Hearing Transcript (August 21, 2024).

Trial Materials

10. Verdict Form (Mar. 3, 2023).
11. The IMI Fabi Entities' proposed verdict form and jury instructions (Mar. 1, 2023).

Motions

12. Motions to Dismiss by each IMI Fabi Entity (May 13, 2022).
13. Memoranda and Exhibits Supporting the Motions to Dismiss by each IMI Fabi Entity (July 13, 2022).
14. Motions for Summary Judgment and Supporting Memoranda and Exhibits by each IMI Fabi Entity (Jan. 13, 2023).
15. Notice of Partial Withdrawal of Motions for Summary Judgment (Feb. 6, 2023).

16. Supplemental Filings in Support of Motions to Dismiss/for Summary Judgment by each IMI Fabi Entity (Feb. 17, 2023).
17. To the extent not included in the above but cited in the Appellants' Opening Brief, all jurisdictional affidavits filed and served by each IMI Fabi Entity.
18. Plants' Opposition to IMI Fabi Entities' Personal Jurisdiction Motions and Exhibits 2–14 (Feb. 18, 2023).
19. Plants' Opposition to WCD's Motion for Setoff (Apr. 11, 2023).
20. Plants' Motion for New Trial and Exhibits (Mar. 1, 2024).
21. All memoranda and accompanying exhibits filed by the IMI Fabi Entities in opposition to the Plants' Motion for New Trial (Apr. 23, 2024; Apr. 26, 2024; July 29, 2024; Sept. 5, 2024; Sept. 16, 2024).

Other Materials

22. 4th Amended Notice of Deposition to IMI Fabi Entities (Feb. 8, 2023).
23. Any materials needed to support Appellants' Reply Brief.
24. Notice of Appeal.

The below-signed certify that this Designation contains no matter which is irrelevant to this appeal.

Signature Page Attached

Respectfully submitted,

WOMBLE BOND DICKINSON (US) LLP

By: /s/ M. Todd Carroll
S.C. Bar No. 74000
todd.carroll@wbd-us.com
M. Elizabeth O'Neill
S.C. Bar No. 104013
elizabeth.oneill@wbd-us.com
Theodore F. Roberts
S.C. Bar No. 104986
ted.roberts@wbd-us.com
Other Email: WBD.SCAsbestos@wbd-us.com
1221 Main Street, Suite 1600
Columbia, SC 29201
(803) 454-6504

Attorneys for Appellants

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PROOF OF SERVICE

I, the undersigned of the law offices of Womble Bond Dickinson (US) LLP, attorneys for Appellants, 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): Appellants' Designation of Matter

Parties Served:

Theile B. McVey (tmcvey@kassellaw.com)
Jamie D. Rutkoski (jrutkoski@kassellaw.com)
Charles William Branham, III (tbranham@dobslegal.com)
Rachel A. Gross (rgross@dobslegal.com)
Jordan L. Bollinger (jbollinger@dobslegal.com)

Counsel for Plaintiffs

By: /s/ M. Todd Carroll

May 5, 2025