

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

Jun 03 2025

S.C. SUPREME COURT

APPEAL FROM RICHLAND COUNTY
In the Court of Common Pleas
For the Fifth Judicial Circuit
The Honorable Jean H. Toal,
Acting Circuit Court Judge

Civil Action No. 2023-CP-40-01759

Appellate Case Nos. 2024-002116, 2024-000916, 2024-001499, 2024-002114, 2025-000052

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.; Lowserve 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,

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

Petitioners.

PROOF OF SERVICE

I, Lindsay A. Joyner., of Gallivan White and Boyd, PA, *Attorney for Cape PLC, individually and as successor in interest to Cape Asbestos Company Limited, n/k/a Cape*

Intermediate Holdings Ltd. by and through its duly appointed Receiver Peter D. Protopapas,
hereby certify that the **MOTION FOR SANCTIONS AS TO MOHED ALTRAD AND
ALTRAD INVESTMENT AUTHORITY S.A.S. and APPENDIX TO MOTION FOR
SANCTIONS AS TO ALTRAD** was served on all other parties to this appeal on June 3, 2025,
via email to their following counsel of record:

Theile B. McVey
tmcvey@kassellaw.com
Jamie D. Rutkoski
jrutkoski@kassellaw.com
KASSEL MCVEY ATTORNEYS AT LAW
1330 Laurel Street
Post Office Box 1476
Columbia, South Carolina, 29202-1476

and

Charles W. Branham, III
tbranham@dobslegal.com
Aaron D. Chapman
achapman@dobslegal.com
David C. Humen
dhumen@dobslegal.com
Ka'Leya Q. Hardin
khardin@dobslegal.com
Todd Barnes
tbarnes@dobslegal.com
DEAN OMAR BRANHAM SHIRLEY, LLP
302 N. Market Street, Suite 300
Dallas, Texas 75202

Attorneys for Respondents John A. Tibbs and Margaret B. Tibbs

Peter D. Protopapas
pdp@rplegalgroup.com
John K. Chandler
jchandler@rplegalgroup.com
Brian M. Barnwell
bb@rplegalgroup.com
RIKARD & PROTOPAPAS, LLC
2110 N. Beltline Blvd, Columbia, SC 29204
PO Box 5640, Columbia, SC 29250
Receiver for CAPE PLC

Matthew Todd Carroll

todd.carroll@wbd-us.com

Kevin A. Hall

kevin.hall@wbd-us.com

WOMBLE BOND DICKINSON (US) LLP

1221 Main Street, Suite 1600

Columbia, SC 29201

and

Mary Elizabeth O'Neill

elizabeth.oneill@wbd-us.com

WOMBLE BOND DICKINSON (US) LLP

301 South College Street, Suite 3500

Charlotte, NC 28202

Attorneys for Altrad Investment Authority S.A.S.; and Mohed Altrad

James H. Elliott, Jr.

jelliott@richardsonplowden.com

Cameron D. Berthelsen

cberthelsen@richardsonplowden.com

RICHARDSON PLOWDEN & ROBINSON, P.A.

235 Magrath Darby Blvd., Ste. 100

Mt. Pleasant, SC 29464

Attorneys for DeBeers Consolidated Mines LTD, De Beers PLC, De Beers UK Ltd, De Beers Centenary AG and Anglo American PLC

A. Victor Rawl, Jr.

vrawl@grsm.com

GORDON & REES LLP

677 King Street, Suite 450

Charleston, Sc 29403

Attorney for Central Mining & Investment Corporation Ltd.; Charter Consolidated Ltd.; and ESAB Corporation

Stephen L. Brown (SC Bar No. 66468)

sbrown@yclaw.com

Russell G. Hines (SC Bar No. 72100)

RHines@yclaw.com

James D. Gandy, III (SC Bar No. 11925)

tgandy@yclaw.com

Graydon V. Olive, IV (SC Bar No. 105319)

golive@yclaw.com

CLEMENT RIVERS, LLP

25 Calhoun Street, Suite 400

Charleston, South Carolina 29401

(843) 720-5488

Attorneys for Appellant Asbestos Corporation Limited

Dated: June 3, 2025
Columbia, South Carolina

GALLIVAN, WHITE & BOYD, P.A.

By: /s/ Lindsay A. Joyner,
John T. Lay, Jr., SC Bar No. 64526
Gray T. Culbreath, SC Bar No. 11907
Lindsay A. Joyner, SC Bar No. 77437
Eleanor L. Jones, SC Bar No. 104678
1201 Main Street, Suite 1200
PO Box 7368 (29202)
Columbia, SC 29201
jlay@gwblawfirm.com
gculbreath@gwblawfirm.com
ljoyner@gwblawfirm.com
ejones@gwblawfirm.com
(803) 779-1833

Jonathan M. Robinson
SMITH ROBINSON, LLC
3200 Devine Street
Columbia, SC 29205
803-254-5445
jon.robinson@smithrobinsonlaw.com

Troy S. Brown
Dana E. Becker
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103
troy.brown@morganlewis.com
dana.becker@morganlewis.com
(215) 963-5000

Lauren McCulloch Semlinger
MORGAN, LEWIS & BOCKIUS LLP
1000 Louisiana St., Suite 4000
Houston, TX 77002
lauren.semlinger@morganlewis.com
(713) 890-5467

Paul A. Scrudato
MORGAN, LEWIS & BOCKIUS LLP
101 Park Avenue
New York, NY 10178

paul.scrudato@morganlewis.com
(212) 309-6000

*Attorney for Respondent Cape PLC,
individually and as successor in interest to
Cape Asbestos Company Limited, n/k/a
Cape Intermediate Holdings Ltd. by and
through its duly appointed Receiver Peter
D. Protopapas*

From: [Lindsay Joyner](mailto:Lindsay.Joyner@qwb-law.com)
To: todd.carroll@wbd-us.com; kevin.hall@wbd-us.com; elizabeth.oneill@wbd-us.com; jelliott@richardsonplowden.com; cberthelsen@richardsonplowden.com; vrawl@grsm.com; sbrown@yclair.com; RHines@yclair.com; tgandy@yclair.com; golive@yclair.com; tmcvey@kassellaw.com; jrutkoski@kassellaw.com; tbranham@dobslegal.com; achapman@dobslegal.com; dhumen@dobslegal.com; khardin@dobslegal.com; tbarnes@dobslegal.com
Cc: [John T. Lay](mailto:John.T.Lay@qwb-law.com); [Peter Protopapas](mailto:Peter.Protopapas@qwb-law.com); [John Chandler](mailto:John.Chandler@qwb-law.com); [Brian Barnwell](mailto:Brian.Barnwell@qwb-law.com); [Eleanor Jones](mailto:Eleanor.Jones@qwb-law.com); [Jon Robinson](mailto:Jon.Robinson@qwb-law.com); [Lauren A. McCulloch](mailto:Lauren.A.McCulloch@qwb-law.com); [Semlinger](mailto:Semlinger@qwb-law.com); [Paul A. Scrudato](mailto:Paul.A.Scrudato@qwb-law.com); [Lindsay Valek](mailto:Lindsay.Valek@qwb-law.com)
Bcc: [10565_1 CAPE PLC individually and as successor in interest to CAPE ASBESTOS COMPANY LIMITED by and through its duly appointed Receiver Peter D. Protopapas v. Anglo American PLC et al C.A. No. 2023 CP 40 01759 Corporate 10565_1](#)
Subject: Appellate Case Nos. 2024-000916, 2024-001499, 2024-002114, 2024-002116, 2025-000052
Date: Tuesday, June 3, 2025 5:16:32 PM
Attachments: [06.03.25 Letter to Supreme Court filing Motion.pdf](#)
[FINAL Cape - South Carolina Supreme Court - Motion for Sanctions - Altrad - Barton Doctrine.pdf](#)
[06.03.25 FINAL POS.pdf](#)
[image002.png](#)

All,

Attached and served upon you is Respondent's Motion for Sanctions as to Mohed Altrad and Altrad Investment Authority S.A.S. as well as the accompanying letter and Appendix, which will be filed momentarily with the Supreme Court. I will add this email to the attached Proof of Service when I file the same. The Appendix can be found here at this OneDrive link: [📄 Appendix to Motion for Sanctions as to Altrad \(6.3.2025\).pdf](#).

Thanks,
Lindsay



Lindsay Anne Joyner
Partner
ljoyner@qwb-law.com

Gallivan, White & Boyd P.A.
40 Calhoun Street | Suite 315 | Charleston SC 29401
843 414 8107 Direct | 843 735 7600 Main | 843 414 8070 Fax
Mailing Post Office Box 22768 | Charleston SC 29413

[vCard](#) | [BioURL](#) | [Website](#)

This message is from the law firm Gallivan, White & Boyd, PA and may be a confidential and privileged legal communication to the named recipient(s). If you receive this message in error or are not the named recipient(s), please notify the sender and delete this email. Thank you.