

# The Supreme Court of South Carolina

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.; Flowserve 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, Inc.; 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; 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., De Beers PLC, individually and as successor in interest to De Beers S.A., De Beers Centenary AG, De Beers Consolidated Mines Ltd., n/k/a De Beers Consolidated Mines Proprietary Ltd., De Beers UK Ltd., De Beers Jewellers LTD., De Beers Jewellers US, Inc., Anglo 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 (U.S.A.) Jewelry Inc.,  
Lightbox Jewelry Inc., Forevermark US Inc., Anglo  
American Crop Nutrients (U.S.A.) 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  
S.A.S., Sparrows Offshore Group Ltd., Hawk Bidco US  
Inc., ArranCo US, LLC, Sparrows Offshore, LLC, and  
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.

Appellate Case Nos:

2024-001423, 2024-001499, 2024-000916, 2024-002114,  
2024-002116, 2024-002117, 2025-000052

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ORDER

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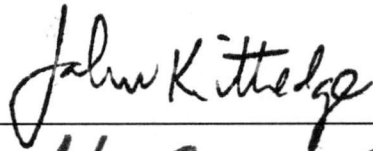
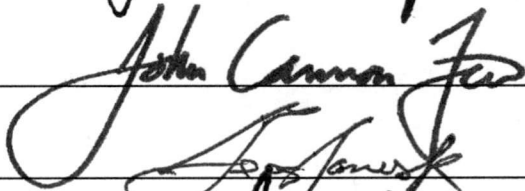

We have before us seven petitions for writs of certiorari filed in this Court under Rule 242 of the South Carolina Appellate Court Rules. Each petition was filed by some combination of Petitioners Mohed Altrad, Altrad Investment Authority SAS, Charter Consolidated Ltd., ESAB Corporation, and Central Mining & Investment Corporation Ltd., and each arises from an order of the court of appeals dismissing an appeal on the ground the order appealed from was not immediately appealable. Each appeal and now each petition challenges some aspect of the circuit court's order appointing Peter D. Protopapas as Receiver for Defendant Cape PLC. We deny the petitions in cases 2024-000916, 2024-002114, 2024-002116, 2024-002117, and 2025-000052. In cases 2024-001423 and 2024-001499, we convert the petitions to common law writs of certiorari, and grant them pursuant to article V, section 5 of the South Carolina Constitution and section 14-3-310 of the South

Carolina Code (2017). We dispense with any briefing and remand the cases to the circuit court for all purposes, specifically including:

- (A) On May 21, this Court filed its opinion in *Welch v. Atlas Turner, Inc*, Op. No. 28284 (S.C. Sup. Ct. filed May 21, 2025) (Howard Adv. Sh. No. 19 at 12). In that opinion, we analyzed the circuit court's jurisdiction to appoint a receiver, discussed the factual basis on which such an order must be based, and set forth limitations on the receiver's scope of authority. We also made it clear that appointing a receiver before judgment is permissible only in the "rarest" and "most extraordinary" cases. We now direct the circuit court to:
- 1) Ensure the receiver has been authorized to conduct its work by an order filed in the specific case as to which the work is to take place. The receiver is not to be authorized to conduct work as to a case in which no receiver appointment order has been filed.
  - 2) Ensure that such an order is based on findings of fact sufficient under *Welch* to justify the order, and that the receiver's scope of authority is limited as set forth in *Welch*.
  - 3) To the extent the circuit court intends to authorize the work of a receiver based on facts not found sufficient in *Welch*, or to authorize a scope of work not approved in *Welch*, the circuit court should make specific findings of fact and conclusions of law the circuit court finds justify its action.
- (B) It has come to our attention there may be motions filed in this case and other asbestos cases that have not been ruled on by the circuit court. Specifically, we understand there is a pending motion to dissolve the receivership filed September 15, 2023, and a pending motion to reconsider a "clarifying" order filed November 15, 2024, both in *Park v. Armstrong International, Inc, et al.*, 2021-CP-40-2727. To the extent that is true, we direct the circuit court to either rule on all pending motions or set forth an explanation of the reasons the court determines it should not rule at this time.
- (C) We ask that the circuit court provide this Court with a report on its progress on matters (A) and (B), including the current status of *Park* and all asbestos cases in which a receiver has been appointed, every 30 days until further order of this Court.

We address one final matter. Over the last few years, the court of appeals and this Court have received dozens of interlocutory appeals in asbestos cases such as this one. In the vast majority of those cases, the court of appeals dismissed the appeal

because the order was not an immediately appealable order, and we denied certiorari because we agreed the dismissal was proper. In fact, many of the appeals from those orders have bordered on frivolous. We will rule at a later time on any currently pending motion for sanctions, and any further frivolous appeals in these cases from interlocutory orders that are not immediately appealable will result in sanctions. In addition, the parties' filings at the court of appeals and this Court have been unnecessarily antagonistic, predominated by what one litigant in these petitions characterized as "sniping" at each other on matters that have nothing to do with the merits of the appeal. No party gains an advantage in the exercise of this inappropriate behavior. This Court and the court of appeals will not tolerate it any further. Appeals will be summarily dismissed, or requested relief will be summarily granted, if any party continues with this inappropriate behavior. Our intention is to reach and address the merits of issues properly before us without the distraction of unnecessary sniping by the lawyers, and if the lawyers persist in this sniping, appropriate sanctions will be imposed.

	C.J.
	J.
	J.
D. Manini	J.

Verdin, J., not participating.

Columbia, South Carolina  
June 26, 2025

cc: Matthew Todd Carroll  
Kevin A. Hall  
Mary Elizabeth O'Neill  
Shanon N. Peake  
G. Murrell Smith, Jr.  
John Thomas Lay, Jr.  
Gray Thomas Culbreath  
Lindsay Anne Joyner  
Laura Watkins Jordan  
Eleanor Lasseigne Jones  
Jonathan M. Robinson  
Brian Montgomery Barnwell  
Amelia Morgan Farmer  
Ioannis (Ian) George Conits  
Peter Demos Protopapas  
William James Blount  
A. Victor Rawl, Jr.  
John S. Nichols  
Steven James Pugh  
Benjamin Palmer Carlton  
Carmen Vaughn Ganjehsani  
Ashwin Ray Sanzgiri  
John Kenneth Chandler  
The Honorable Jeanette W. McBride