

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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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. 2024-001423 and 2024-001499

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.; 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 (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.

**MOTION FOR LEAVE TO SUPPLEMENT MOTION FOR SANCTIONS AS TO
MOHED ALTRAD AND ALTRAD INVESTMENT AUTHORITY S.A.S.**

The Receiver hereby requests leave from this Court to file the attached exhibit as a supplement to the Receiver's pending Motion for Sanctions in the above-referenced appeals. On June 26, 2025, the Court granted certiorari in these (two) appeals, remanded to the circuit court

“for all purposes,” instructed the circuit court to report to this Court on specific items, and reserved for its consideration the Receiver’s Motion for Sanctions, stating it would “rule at a later time on any currently pending motion for sanctions.”¹ Following the Receiver’s Motion for Sanctions, the Receiver has received notice of additional acts by the Altrad Appellants that directly relate to the conduct addressed in the Receivers’ motion.² Therefore, the Receiver requests leave in order to apprise the Court of the additional actions related to his motion and requests the Court accept the attached exhibit as a supplement to his previously filed Motion for Sanctions.

This Court has recognized that “[a]ny 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.” Order, *Tibbs v. Cape plc.*, Appellate Case No. 2024-000916 at 5 (S.C. Jan. 16, 2025). However, despite this Court’s grant of certiorari at Appellants’ behest and remand to the circuit court for all purposes, the Altrad Appellants have continued to pursue foreign litigation to intimidate the Receiver into dismissing the pending case. On September 10, 2025, the Receiver was served with the attached Summons directing him to appear before the Montpellier Civil Court in France on December 1, 2025, and to engage a lawyer to represent him within 15 days. The

¹ The Receiver notes he has filed a contemporaneous notice of filing with the circuit court to keep the circuit court apprised of the of the additional acts committed by the Altrad Appellants against the court’s Receiver.

² At the time the Motion for Sanctions was filed, Appellants Altrad Owners and the Altrad U.K. subsidiaries had (1) initiated supplemental proceedings to pursue the more than £ 3.7 million (approximately \$5 million) in costs and legal fees arising from their U.K. litigation against Mr. Protopapas personally, (2) obtained an order from a court in Montpellier, France domesticating the U.K. November 2024 order in France and ordering Mr. Protopapas personally to pay all costs associated with that action, and (3) threatened the Receiver that “It follows that any attempt by you to take any steps in the PCT Claim would not only be a breach of the Order but would constitute a clear and deliberate contempt of the Order of the English Court. As you will know, this is an offence that carries a criminal sanction.” (Motion for Sanctions at 6-7). Unchecked, the Altrad Appellants have escalated their attacks on the arm of the South Carolina Court as indicated in the attached exhibit.

Altrad Appellants are seeking new damages and penalties against the Receiver for “pursuing proceedings against [the Altrad Appellants] in South Carolina.” Ex. A at 5. Specifically, the Altrad Appellants are requesting the French court award a total of €28,612,062.32 in damages, an unidentified amount in costs to the Altrad Appellants’ French attorney, €50,000 in costs to Mohamed Altrad, and €50,000 in costs to Altrad Investment Authority (over \$34 million). Ex. A at 30. These damages are being pursued against Mr. Protopapas personally for acting as an arm of the court in accordance with the South Carolina circuit court’s order of appointment, the circuit court’s order confirming his actions have been within the scope of the appointment order,³ and this Court’s order granting certiorari and remanding the case back to the circuit court for all purposes.

This Court’s remand order made it clear that the determination of issues raised by the Altrad Appellants is properly before, and will be decided by, the South Carolina courts.⁴ Yet, the Altrad Appellants refuse to recognize the authority of the South Carolina courts. Instead, these litigants continue to pursue monetary and criminal penalties against Mr. Protopapas personally for his complying with orders of the South Carolina courts.

Accordingly, the Receiver requests the Court grant leave for the Receiver to supplement his motion for sanctions with the attachment.

³ Order Granting Receiver’s Motion to Clarify Order Appointing a Receiver for Cape PLC, Nov. 5, 2024, *Tibbs v. 3M Co.*, No. 2023-CP-40-01759 (S.C. Ct. Comm. Pleas).

⁴ “[A] court may control by its receivership property beyond its territorial jurisdiction when it has jurisdiction of the parties, and it may restrain them from interfering with the receiver’s possession of such property.” *Stewart v. Laberee*, 185 F. 471, 474 (9th Cir. 1911) (collecting cases); *Receivers of Middlesex Banking Co. v. Realty Inv. Co.*, 104 Conn. 206, 132 A. 390, 394–95 (Conn. 1926) (“the trial court, having not only jurisdiction of the parties but also of the subject–matter, had the power to protect that jurisdiction and its receivers by an injunction against the prosecution of the litigation the respondents were instituting in South Dakota”); 17A Fletcher Cyc. Corp. § 8561 (Corporate law treatise noting: “If, however, a court of equity has jurisdiction of the parties, it may make decrees and orders affecting property of the corporation in other states and enforce obedience to them.”).

By: /s/ Jonathan M. Robinson

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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*

September 18, 2025
Columbia, South Carolina