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The Supreme Court of South Carolina SUPREME COURT

JEAN HOEFER TOAL
CHIEF JUSTICE, RETIRED
SENIOR ACTIVE JUDGE

September 24, 2025

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The Hon. Patricia A. Howard
Clerk of Court
South Carolina Supreme Court
1231 Gervais Street
Columbia, SC 29201

Re: John A. Tibbs and Margaret B. Tibbs, Plaintiffs, v. 3M Company, *et al.*, 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., *et al.*, Third-Party Defendants,

Of which Mohed Altrad, Altrad Investment Authority SAS, ArranCo US, LLC, Hawk Bidco
(US) Inc., Sparrows Offshore, LLC, Charter Consolidated Ltd., ESAB Corporation, and
Central Mining & Investment Corporation Ltd. are the Petitioners.

Appellate Case Nos. 2024-001423, 2024-00001499, 2024-000916, 2024-002114, 2024-002116,
2024-002117, 2025-000052

Dear Ms. Howard:

The above-captioned matter was remanded to me by the Supreme Court of South Carolina
on June 26, 2025, with directives by the Supreme Court.

I hereby file my Third Report to the Supreme Court as directed by the Tibbs Remand Order
as of September 24, 2025. Attached to this Report are a copy of the pre-trial notice of hearing and
agenda for the scheduled October 6, 2025 hearing.

I will continue to report my progress on this matter to the Court, and welcome any further
guidance or directives given to me.

With my kindest personal regards,

I am, Sincerely yours,


Jean Hofer Toal

CC: via email to

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STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

JOHN A. TIBBS and MARGARET B. TIBBS,

Plaintiffs,

v.

3M COMPANY, *et al.*,

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,

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

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

C.A. No. 2023-CP-40-01759

In Re: Asbestos Personal Injury Litigation
Coordinated Docket

**THIRD REPORT TO THE
SUPREME COURT OF SOUTH CAROLINA
PURSUANT TO ITS ORDER OF REMAND
DATED JUNE 26, 2025**

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; THE SPARROWS GROUP, LLC,

Third-Party Defendants.

Pursuant to the Supreme Court's Order of Remand, dated June 26, 2025, in which the Court asked that I submit monthly reports as to my progress in addressing the directives from the Court contained in its Remand Order, this will constitute my Third Report.

On August 28, 2025, I received the final filings of proposed orders and five different third-party defendant objections to proposed orders submitted in connection with the August 12, 2025 hearing I conducted in the remanded Tibbs matter. All of these filings relate to the third-party matter of Cape v. Anglo-American, which is a part of the Tibbs case on remand and a source of the issues involving the challenge by third-party defendants to the Cape receiverships. There are multitudinous competing proposals regarding my August 13, 2025 letter announcement of my proposed rulings for matters heard in that hearing regarding the validity of the receivership and other issues raised (letter attached to my previous Report). The Cape matter is scheduled for trial on October 20, 2025, pursuant to a previous order. A pre-trial hearing in the third-party action was previously set for the week of October 6, 2025. Yesterday, I filed the attached notice of pre-trial hearing and agenda in the Cape matter, which involved twelve separate motions for hearing in the pre-trial concerning contentions of the third-party defendants. I believe it is prudent to wait until

October 6, 2025, at the pre-trial hearing to address issues regarding the resolution of the previous order. I will be set for trial, but I will also explore requiring mediation in this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jean Hoefer Toal", with a horizontal line extending to the right.

Chief Justice (Ret.) Jean Hoefer Toal
Presiding Circuit Court Judge

Dated September 24, 2025
Columbia, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

JOHN A. TIBBS and MARGARET B. TIBBS,

Plaintiffs,

v.

3M COMPANY, *et al.*,

Defendants.

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,

v.

ANGLO AMERICAN PLC, *et al.*,

Third-Party Defendants

In Re: Coordinated Asbestos Docket

C.A. No. 2023-CP-40-01759

NOTICE OF PRETRIAL HEARING

The pretrial hearing for the above third-party action was previously set for the week of October 6, 2025 with trial following on October 20, 2025. The pretrial hearing will begin on October 6, 2025 at 9:30 AM. at the Richland County Judicial Center in Courtroom 3B. The following motions are scheduled to be heard:

1. Receiver's 6/20/2025 Amended Motion for Leave to Amend
2. Receiver's 5/23/2024 Motion for Protective Order
3. Anglo, De Beers, etc 5/24/2024 Motion to Compel Discovery Responses from Receiver

4. Receiver's 11/18/2024 Motion to Compel Production of Corporate Documents
5. De Beers Centenary's 1/6/2025 Motion/Summary Judgment
6. De Beers UK's 1/6/2025 Motion for Summary Judgment
7. De Beers Consolidated Mines's 1/6/2025 Motion for Summary Judgment
8. Anglo American PLC's 1/6/2025 Motion for Summary Judgment
9. De Beers PLC's 1/6/2025 Motion for Summary Judgment
10. Receiver's 5/29/2025 Motion to Compel 30(b)(6) Depositions of Anglo American PLC, De Beers Consolidated Mines Ltd., De Beers PLC, De Beers Centenary AG and De Beers UK Limited
11. Receiver's 5/29/2025 Motion to Compel Discovery Responses from De Beers PLC, De Beers Centenary AG and De Beers UK Limited
12. Mohed Altrad and Altrad Investment Authority SAS's 8/11/2025 Objections to and Motion to Strike the Affidavits of Dr. Steven Press and James T.H. Buxton

AND IT IS SO ORDERED.

[JUDGE'S ELECTRONIC SIGNATURE PAGE TO FOLLOW]



Richland Common Pleas

Case Caption: John A Tibbs , plaintiff, et al vs 3M Company , defendant, et al

Case Number: 2023CP4001759

Type: Notice/Notice of Hearing

So Ordered

Jean H. Toal