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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

IN THE SUPREME COURT'S ORIGINAL JURISDICTION

CONCERNING A MATTER FROM RICHLAND COUNTY
Court of Common Pleas

The Honorable Jean H. Toal
Acting Circuit Court Judge

Appellate Case Nos. 2024-001423, 2024-001499, and 2025-______

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; 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,

of which

Asbestos Corporation Limited is the... Appellant,

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, and Altrad Investment Authority SAS, are the.......... Petitioners.

PETITION FOR A WRIT OF PROHIBITION AND A WRIT OF CERTIORARI

Respectfully submitted,

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October 19, 2025

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PETITION FOR EXTRAORDINARY WRITS

Article V, Section 5 of the South Carolina Constitution vests this Court with authority to address issues out of their natural sequence when urgency requires. The Petitioners respectfully request that the Court exercise that authority to bring an end to this dispute. They have properly appealed an "appointment" order below to the Court of Appeals, but there is nothing gained by delaying the inescapable conclusion that the circuit court has no jurisdiction in this matter and the putative Receiver has no authority to displace the directors and attempt to control litigation on behalf of Cape Intermediate Holdings Ltd., an English company with no connection to this State.

The Altrad Defendants file this Petition with full awareness of the Court's caution regarding additional appellate filings. They make this filing with complete confidence in both its substance and timeliness, as this Court's intervention will stanch further unnecessary international conflict arising from artificial litigation for which there is neither jurisdiction in South Carolina nor any nexus to this State.

SUMMARY OF ARGUMENT

Everything that has happened and is happening at the circuit court is a nullity as a matter of law. This Court issued specific instructions regarding receiverships in *Welch v. Advance Auto Parts, Inc.*, 916 S.E.2d 320 (S.C. 2025), *petition for cert. filed at* Case No. 25-213 (U.S. Aug. 18, 2025), and *Tibbs v. 3M Co.*, Appellate Case Nos. 2024-001423 *et al.* (S.C. June 26, 2025), but those rulings have not been followed below. That, in turn, has created international havoc in a matter in which South Carolina has absolutely no interest. Indeed, the only South Carolina contact in this whole case is the putative Receiver himself; no one else—not CIHL, not the Petitioners, none of the other third-party defendants, and not even the *Tibbs* plaintiffs themselves are connected to this State. The case can be readily dismissed on a number of independent grounds, including:

- **<u>Claims Resolved.</u>** The "claims" the putative Receiver is attempting to present have already been released and resolved by Cape Intermediate Holdings Limited. A court of competent jurisdiction has recognized that release as proper under English law, which is the law that governs CIHL. There is nothing left to do here but dismiss the Petitioners from a nonexistent case.

- **<u>No Personal Jurisdiction: CIHL.</u>** There are two fatal defects regarding CIHL, the English entity supposedly in receivership. First, it has never been served with process in any case (*Park*, *Tibbs*, or any other), and it is not even identified as a defendant in this case. Second, CIHL has no contacts with South Carolina and cannot be subject to personal jurisdiction here. In short, the putative Receiver's litigation efforts all involve an English company that has never been before any South Carolina court.

- **<u>No Personal Jurisdiction: Petitioners.</u>** There is likewise nothing in the record to support any finding of personal jurisdiction regarding the Petitioners, who are all foreign to this State. The only thing the putative Receiver has ever said on the point is his allegation that the Petitioners are CIHL's "alter ego." That allegation is directly contrary to settled English law in *Adams v. Cape Industries plc* (1990) 1 Ch 433 (CA). But setting that aside, foreign entities cannot be subject to personal jurisdiction in South Carolina because they are supposedly the "alter ego" of a different foreign entity that itself is not subject to personal jurisdiction in South Carolina.

- **<u>No Plaintiff Sought Receivership.</u>** CIHL is not a judgment debtor to any South Carolina plaintiff. Not surprisingly, then, no plaintiff has ever sought the appointment of a receiver over CIHL. The putative prejudgment receivership here was the product of plaintiffs' counsel in *Park* seeking an appointment of a receiver 9 months after the *Park* case was "fully resolved" and 6 months after the Park Estate ceased to exist—apparently after consultation with the not-yet-appointed Receiver about how to attack CIHL. And though he did not exist as a jural entity in *Park* and lacked any standing to do so, the putative Receiver sought to appoint himself as a receiver in *Tibbs* after this Court's remand order. This is truly unprecedented, and it is contrary to the basic principles of law and equity that underpin the "drastic" remedy of a receivership.

- **<u>No South Carolina Property.</u>** CIHL is an English company with no known contacts with South Carolina, and certainly no contacts anywhere in the record. As a matter of the U.S. Constitution and South Carolina receivership law, only CIHL's "in-state property" could ever be subject to a receivership—and there is none.

- **<u>*Welch* and *Tibbs* Ignored.</u>** The putative Receiver sought and obtained an appointment from the circuit court that would give him entry into the "boardroom" of CIHL so that he could control the company's litigation decisions, including waiving affirmative defenses, bringing claims (which, again, have been released against the Petitioners) in CIHL's name, and inviting future plaintiffs to sue CIHL in South Carolina. That is directly contrary to *Welch*, *Tibbs*, the U.S. Constitution's Due Process and Commerce Clauses, the South Carolina receivership statute, English law that governs CIHL, and every known concept of jurisdiction and equity.

BACKGROUND

The putative Receiver is operating as if he—a lawyer in Columbia—is entitled to speak for CIHL, an active company in England that has nothing to do with South Carolina. Without standing, the putative Receiver has attempted to sue CIHL's lawyers, assert claims on its behalf, waive its defenses, and undo decades-old rulings that protect CIHL in order to admit liabilities on its behalf. This attempted seizing of the boardroom is ***exactly*** the issue on which this Court reversed the circuit court in *Welch v. Advance Auto Parts, Inc.*, 445 S.C. 640, 916 S.E.2d 320 (S.C. 2025). The Receiver never sought rehearing of the Court's reversal in *Welch*; yet, he and the circuit court have taken no notice of that ruling. As a result, they are unnecessarily pitting this State against courts globally through litigation that lacks any legal foundation.

Even more basic than running afoul of *Welch*, though, is a point that has never been genuinely disputed below: there is no jurisdiction for anything that has happened at the circuit court. There is no personal jurisdiction: not over CIHL, and not over the Petitioners. There is no subject matter jurisdiction: the "claims" have been released, and the putative Receiver has no standing. And, as this Court has previously put it, there is no "fundamental" jurisdiction, as the litigation from which this receivership started had no plaintiff, no defendant, and no claims at the time the putative Receiver was first appointed. *McCullar v. Estate of Campbell*, 381 S.C. 205, 207, 672 S.E.2d 784, 785 (2009). The proceedings themselves have been a nullity from the outset.

Neither the circuit court nor the putative Receiver have ever even tried to argue otherwise. Instead, the putative Receiver has relied on *ipse dixit* and the constant threats of a show trial, endless motions for sanctions, and lawsuits and subpoenas against lawyers, law firms, and former judges, all with the goal of extracting massive payments—"billions," according to the putative Receiver (App. 10)—from foreign defendants who have nothing to do with South Carolina and

who certainly have neither creditors nor property in this State. All the while, the putative Receiver, who is supposed to be disinterested, has attempted to subvert every dispositive defense. Consider:

1. The directors of CIHL and the Petitioners executed mutual releases of all claims that the putative Receiver has attempted to present here in CIHL's name. (3d Supp. App. 98.) An English court, which has jurisdiction over CIHL and is the jurisdiction that governs CIHL's internal affairs (such as its executives' authority to resolve actual and potential claims), has reviewed and endorsed that release in a case to which the putative Receiver was a party. (3d Supp. App. 59–97.)[1] This case is over, yet both the putative Receiver and the circuit court continue as if the Receiver is allowed to control CIHL's boardroom and make its litigation decisions contrary to those made by the company's actual executives.

2. Everything about the putative Receiver's "appointment" from *Park v. Armstrong International, Inc.*, Case No. 2021-CP-40-02727, is a nullity. After this Court's June 26, 2025 remand order, the circuit court purported to appoint the Receiver in that case even though (1) no such motion was pending or filed seeking such an appointment, and the original appointment order from 2023 was issued (2) in a case without a plaintiff; (3) without proof of service on any "Cape" entity of either a complaint or notice of the receivership request; (4) without any personal jurisdiction over any "Cape" entity; (5) without any claim against any "Cape" entity; (6) without any judgment against any "Cape" entity; (7) without an active case; (8) without identifying any

[1] As a matter of U.S. Constitutional law, only the jurisdiction where a company is located can regulate its internal affairs. *See Protopapas v. Brenntag AG (In re Whittaker, Clark & Daniels, Inc.)*, ___ 4th ___, 2025 U.S. App. LEXIS 23439, at *17–22 (3d Cir. Sept. 10, 2025) ("Thus, when it comes to control over corporate decision-making, a state has no interest in regulating the internal affairs of foreign corporations." (cleaned up)). South Carolina follows that rule as well. *See Pertuis v. Front Roe Rests., Inc.*, 423 S.C. 640, 649–50, 817 S.E.2d 273, 277–78 (2018) ("In South Carolina, our Legislature has made clear that this state is not authorized to regulate the organization or internal affairs of a foreign corporation even if the corporation is registered to conduct business in South Carolina, which Lake Point and Beachfront are not." (cleaned up)).

potential property at issue (there is none); and (9) without a setting bond. (4th Supp. App. 102, New *Park* Appointment Order.)

3. The putative Receiver then attempted to transport the void *Park* order into this case through his own motion—(1) himself a nonexistent entity in *Tibbs*, per this Court's June remand order—to "confirm" his own appointment. The circuit court did so despite (2) *Park* being a nullity, (3) the Tibbs plaintiffs never filing a motion seeking a receivership appointment; (4) CIHL never being served in *Tibbs*; (5) no personal jurisdiction existing over any "Cape" entity; (6) no judgment existing against any "Cape" entity in *Tibbs*; (7) no property identified as being in need of a receiver (and certainly no in-state property of any "Cape" entity, as there is none); (8) no factual basis that could support a receivership appointment (in fact, the purported basis has already been considered and conclusively rejected by multiple courts after full trials and appeals with actual witnesses and evidence, rather than the Receiver's selective internet research, in *Adams v. Cape Industries plc* (1990) 1 Ch 433 (CA)); (9) purporting to give the Receiver "boardroom" authority to bring claims against third-party defendants that not only have no basis in law or fact, but which also (a) have no connection to South Carolina and (b) have been released by the actual directors of CIHL; and (10) again without setting a bond. (4th Supp. App. 145, New *Tibbs* Appointment Order.)

Simply put, everything that has happened in this case has been a legal nullity from the outset. In its June remand order, this Court was gracious and gave the circuit court a simple way to end this entire ugly dispute. The circuit court did not adhere to those instructions; stated that this Court "is not completely aware of how receiverships are used in South Carolina" (3d Supp. App. 228, Hr'g Tr. 17:21–25 (July 22, 2025) (remarks of Judge Toal)); and proceeded without jurisdiction to authorize the Receiver to invade the boardroom of CIHL and again pretend to speak for the company as if *Welch* and this Court's unambiguous remand instructions never existed.

The disregard of both this Court's orders and fundamental jurisdictional boundaries compels the Altrad Defendants to again seek the Court's assistance. They have rightly appealed the *Tibbs* appointment order to the Court of Appeals pursuant to South Carolina Code § 14-3-330(4), but they file this Petition as a companion filing to give this Court an opportunity to review the proceedings below without delay.

LEGAL STANDARD

I. Writ of Prohibition

This Court is vested with the authority and duty to monitor the activities of the State's lower courts to ensure that they do not exceed their jurisdictional boundaries. Article V, § 5 of the State Constitution, South Carolina Code § 14-3-310, and Rule 245(b), SCACR, all authorize the Court to issue a writ of prohibition when, as here, such a jurisdictional breach has occurred.

A writ of prohibition "prevent[s] an encroachment, excess, usurpation, or improper assumption of jurisdiction on the part of an inferior court or tribunal, ***or*** to prevent some great outrage on upon the settled principles of law and procedure . . . ." *New S. Life Ins. Co. v. Lindsay*, 258 S.C. 198, 200, 187 S.E.2d 794, 796 (1972) (quoting *Berry v. Lindsay*, 256 S.C. 282, 287, 182 S.E.2d 78, 81 (1971)) (emphasis added). These conditions are undoubtedly present here.

The writ is triggered by a lower court acting without jurisdiction, and this Court has used the writ several times to prevent a circuit court from improperly exercising jurisdiction it did not have and to vacate orders issued without jurisdiction. *See, e.g.*, *In re: S.C. State Senate Republican Caucus v. Harpootlian*, Appellate Case No. 2019-001404 (Order issued Dec. 12, 2019) ("We, therefore, issue a writ of prohibition to prevent the circuit court from improperly exercising jurisdiction over this matter and vacate the order of the circuit court, filed on July 8, 2019, denying Petitioner's motion for summary judgment and granting Respondent's motion to compel

discovery."); *New South Life Insurance*, 258 S.C. at 205, 187 S.E.2d at 799 ("It is our conclusion that the Richland County Court is without jurisdiction of the subject matter of this action. This being true, it is the judgment of this Court that the writ of prohibition be, and the same is hereby, granted and the Richland County Court is declared to be without jurisdiction to entertain this action."); *Ex Parte Wingate*, 166 S.C. 440, 444, 165 S.E. 176, 177 (1932) (confirming that a writ of prohibition "is permissible to prevent the improper assumption of jurisdiction" by a trial court and issuing a writ to prevent a Charleston court from proceeding beyond its jurisdiction).

State ex rel. Zimmerman v. Gibbes, 171 S.C. 209, 172 S.E. 130 (1933), *aff'd* 290 U.S. 326 (1933), is particularly on point. There, in light of the national banking crisis, the General Assembly passed a temporary statute that prevented litigation against banks without the consent of the Governor, who had appointed "a board of bank control to advise and consult with him" regarding management of the state's banks. *Id.* at 211–12, 172 S.E. at 131. Despite that statute, a group of depositors filed a complaint in the circuit court against the Central Union Bank of South Carolina and its representatives and sought the appointment of a receiver to gather the bank's assets and distribute them to its depositors and creditors. *Id.* at 212, 172 S.E. at 131.

In response to the suit, the circuit court issued a show-cause order against the defendants and restrained all of the bank's assets. *Id.* at 212, 172 S.E. at 132. The defendants then engaged this Court and sought a writ of prohibition to prevent the circuit court's usurpation of jurisdiction that would have encroached on their ability to operate the bank. *Id.* at 213, 172 S.E. at 132.

This Court rightly agreed with the defendants and issued the writ, declaring that the circuit court lacked jurisdiction to proceed and vacating the lower court's injunction. In so doing, it rejected arguments that such a writ should not issue because the traditional appellate channels were available; *id.* at 214–15, 172 S.E. at 132–33; and that such a writ should not issue because "the

attention of the inferior Court was not called to its alleged lack of excess of jurisdiction," as a writ of prohibition is appropriate in any instance "where the lack of jurisdiction is apparent on the face" of the filings below, *id.* at 215–16, 172 S.E at 133.

Zimmerman issued a writ of prohibition because the trial court lacked authority to appoint a receiver and interfere in the bank's internal management. That is precisely the situation here.

II. Writ of Certiorari

The Court should further exercise its authority to issue a common law writ of certiorari, as it already has done once in this matter on the appeal of a similarly-defective order, to bring issues related to this putative receivership before this Court for immediate review. Such authority derives from the same sources as the power to issue a writ of prohibition: Article V, Section 5 of the South Carolina Constitution; South Carolina Code § 14-3-310; and Rule 245(b), SCACR.

This writ is used "to correct errors of law, particularly where a trial court exceeded its authority." *State v. Price*, 441 S.C. 423, 433, 895 S.E.2d 633, 638 (2023). The Court often issues a common-law writ of certiorari to address issues that appear repeatedly in proceedings at the trial level so that guidance from this Court can efficiently resolve a disputed point before it becomes a massive weight on the entire State Judiciary. *See, e.g.*, *Oncology & Hematology Assocs. of S.C., LLC v. S.C. DHEC*, 387 S.C. 380, 388, 692 S.E.2d 920, 924 (2010) (issuing a writ of certiorari to review a discovery order so that it could "speak to trial courts generally" about the Court's "concern[] that 'discovery practice' has become a cottage industry and the merits of a claim are being relegated to a secondary status"); *Binney v. State*, 384 S.C. 539, 541 n.1, 683 S.E.2d 478, 479 n.1 (2009) (issuing a writ of certiorari to review an interlocutory question regarding a potential waiver of the attorney-client privilege for criminal defendants because the issue was "capable of arising in every PCR proceeding"); *Laffitte v. Bridgestone Corp.*, 381 S.C. 460, 471–72, 674

S.E.2d 154, 160 (2009) (issuing a writ of certiorari to examine on an interlocutory basis "the appropriate standard for the discovery of trade secret information in a product liability action" because it was an issue that was "the subject of numerous claims in state and federal courts," and addressing the issue through an extraordinary writ "best serves the interests of judicial economy by eliminating the numerous inevitable appeals raising this novel issue of significant public interest"); *In re Breast Implant Prod. Liab. Litig.*, 331 S.C. 540, 543 & n.2, 503 S.E.2d 445, 447 & n.2 (1998) (resolving through a writ of certiorari questions of law that had arisen in a coordinated docket to deal with all cases involving defective breast implants, as such a decision would apply across "numerous state and federal actions" and "would serve the interests of judicial economy by eliminating numerous inevitable appeals raising these issues").

Given that the issues presented here appear repeatedly in receiverships that arise from the Asbestos Docket and have drawn critical scrutiny from courts worldwide—including, *inter alia*, the Third Circuit Court of Appeals and courts in Canada, England, and France—this case is a paradigm for when the Court should exercise its common-law certiorari authority. Indeed, it has already issued a common-law writ of certiorari once in this case and remanded the matter to the circuit court with specific instructions, which the circuit court appears to have disregarded. To protect its own jurisdiction, the Court should exercise its certiorari authority once more and bring this case to an immediately end.

ARGUMENT

There are at least six independent grounds for granting this Petition. But the bottom line is straightforward: there is no jurisdiction in South Carolina for anything that has happened in this case. The Court should so declare and end this matter.

I. CIHL itself has released the "claims" the putative Receiver is attempting to bring against the Altrad Defendants, mooting this case and rendering it nonjusticiable.

This case is moot because in April 2025—five months before the circuit court attempted to appoint the putative Receiver in *Tibbs* following remand by this Court—CIHL and the Altrad Defendants executed a mutual release to resolve the exact claims the putative Receiver is attempting to assert. (3d Supp. App. 98–107.) An English court—the court with jurisdiction over CIHL, an English company, and its English contract—has reviewed the agreement and found it to be proper and enforceable, and it did so in litigation in which the putative Receiver was named as a defendant and served with process, but in which he chose not to appear. *Altrad Investment Auth. SAS v. Protopapas* [2025] EWHC 2470 (Ch) (3d Supp. App. 59–97).

That mutual release extinguishes the putative Receiver's claims and renders this litigation moot. *See, e.g.*, *Star v. TI Oldfield Dev., LLC*, 962 F.3d 117, 130–33 (4th Cir. 2020) (holding that a company's board of directors controls all of its litigation decisions, including derivative suits by shareholders, and that a derivative suit was rendered moot—and the court therefore lacked subject matter jurisdiction—by the board's decision to "resolve them in the manner they saw fit"); *Ex parte Doe*, 393 S.C. 147, 152, 711 S.E.2d 892, 894–95 (2011) (dismissing as moot an appeal because the claims presented had been released).

Because the claims presented in the "third-party complaint" are moot, the circuit court lacks jurisdiction, and dismissal through a writ of prohibition is appropriate. *See, e.g.*, *Bailey v. S.C. State Election Comm'n*, 430 S.C. 268, 273–74, 844 S.E.2d 390, 392–93 (2020) (holding "[w]e will dismiss any case that does not present a justiciable controversy" and then dismissing a challenge to election procedures as moot).

II. There is no personal jurisdiction over CIHL.

Welch's starting point was to assess whether Atlas Turner was subject to personal jurisdiction in South Carolina. 445 S.C. at 656–58, 916 S.E.2d at 329–30. And this was an essential element of the Court's analysis, as personal jurisdiction addresses whether a court has authority over a particular litigant. *Cribb v. Spatholt*, 382 S.C. 490, 496, 676 S.E.2d 714, 718 (Ct. App. 2009). It is rooted in the Due Process Clause. *See Cockrell v. Hillerich & Bradsby Co.*, 363 S.C. 485, 491, 611 S.E.2d 505, 508 (2005) ("Because South Carolina treats its long-arm statute [S.C. Code Ann. § 36-2-803] as coextensive with the due process clause, the sole question becomes whether the exercise of personal jurisdiction would violate due process."). And it is a function of "the territorial limitations on the power of the respective States." *Bristol-Myers Squibb Co. v. Superior Court*, 582 U.S. 255, 263 (2017) (quoting *Hanson v. Denckla*, 357 U.S. 235, 251 (1958)).

Due Process is met, and personal jurisdiction can attach, only when there are sufficient "minimum contacts with the State such that the maintenance of the suit does not offend 'traditional notions of fair play and substantial justice.'" *BNSF Ry. v. Tyrrell*, 581 U.S. 402, 413 (2017) (quoting *Int'l Shoe Co. v. Washington*, 326 U.S. 310, 316 (1945)). A court without personal jurisdiction over a defendant "does not have the 'power' to adjudicate the action" against that defendant. *Cockrell*, 363 S.C. at 492, 611 S.E.2d at 508.

Personal jurisdiction takes two forms: general jurisdiction, and specific jurisdiction. General jurisdiction vests a forum with authority over a defendant for any litigation, and it attaches only when a defendant is "at home" in a forum, either through overwhelmingly systematic and continuous operations in the forum, or because the forum is a business's place of organization or its principal place of business. *BNSF*, 581 U.S. at 413. No one has ever suggested CIHL or the Petitioners are subject to general jurisdiction in South Carolina.

Specific jurisdiction, by contrast, allows a forum to exercise authority over a defendant only for the limited purpose of the particular case. *See, e.g.*, *Coggeshall v. Reproduc. Endocrine Assocs.*, 376 S.C. 12, 16, 655 S.E.2d 476, 478 (2007) (explaining that "[s]pecific jurisdiction is the State's right to exercise personal jurisdiction because the cause of action arises specifically from a defendant's contacts with the forum"). It can only arise when "the defendant purposefully avails itself of the privilege of conducting activities within the forum state." *Id.* The only acts that can possibly give rise to specific jurisdiction are those that are attributable to the defendant itself, not activities of a third party. *See, e.g.*, *S. Plastics Co. v. S. Commerce Bank*, 310 S.C. 256, 261, 423 S.E.2d 128, 131 (1992) ("In addition, the defendant's activities directed to a resident of this State must be its own and not the unilateral activities of some other entity.").

In addition to having "minimum contacts" with the forum state, specific jurisdiction can only attach if it would be "fair" to hale the defendant into that forum. *Cockrell*, 363 S.C. at 492, 611 S.E.2d at 508. "Under the fairness prong, the court must consider: (1) the duration of the activity of the nonresident within the state; (2) the character and circumstances of the commission of the nonresident's acts; (3) the inconvenience resulting to the parties by conferring or refusing to confer jurisdiction of the nonresident defendants; and (4) the State's interest in exercising jurisdiction." *Id.*

Along with these constitutional requirements, personal jurisdiction cannot attach without proper service of process—including serving a summons and complaint, as required by Rules 4(g) and 4.1(c), SCRCP. Without proper service, there can be no personal jurisdiction. *BB&T v. Taylor*, 369 S.C. 548, 551, 633 S.E.2d 501, 503 (2006).

There is nothing in the record below—neither in *Park* nor in *Tibbs*—that could possibly support any finding of personal jurisdiction over CIHL.

For one, there is nothing in the record indicating that CIHL was served with a summons and complaint in *Park*—the case from which this putative receivership originated—and both the *Tibbs* plaintiffs and the putative Receiver concede that CIHL was never served with anything in *Tibbs* (in fact, it isn't even named as a defendant in the *Tibbs* case).

No Service of Process in *Park*. In the purported appointment order in *Tibbs*, the circuit court states without citation as follows: "In December 2021, the Park Plaintiffs served Cape Intermediate Holdings Ltd. and Cape plc with the First Amended Complaint through an English process server." (4th Supp. App. 145, New *Tibbs* Appointment Order at 3.)

This is simply not true. The only evidence regarding alleged service is on Pages 100 through 118 of the Appendix in Support of the Altrad Defendants' Petition for a Writ of Certiorari, filed on September 10, 2024, with this Court. The process server himself affirmed he never sent a complaint—any complaint—to CIHL. Instead, he testified that he sent only "the First Amended Summons" to CIHL. (App. 101, ¶ 6.) His cover letter says the same thing—"First Amended Summons"—both in the body and in the "Enclosure" line. (App. 105.) No mention of any complaint anywhere.

Because lawful, complete service of process is an essential element of personal jurisdiction, this Court reviews the evidence *de novo* and can take its own view of the facts. *See, e.g.*, *Paschal v. Price*, 392 S.C. 128, 131–32, 708 S.E.2d 771, 773 (2011) ("Because the question presented is one of jurisdiction, this Court may take its own view of the facts upon which jurisdiction is dependent."); Jean Hoefer Toal *et al.*, *Appellate Practice in South Carolina* 276 (3d ed. 2016) ("When deciding a jurisdictional question based on facts, a reviewing court has the power and the duty to review the entire record, find the jurisdictional facts within the record, and decide the jurisdictional question in accord with the preponderance of evidence.").

Here, there is nothing at all in the record that indicates that any complaint was ever served on CIHL in *Park*. Nothing. Standing alone, the complete absence of proof of service—which the Plaintiffs have the burden of proving—means that the circuit court never acquired jurisdiction over CIHL, and the fountainhead for this entire receivership dispute has been a nullity from the outset.

Not a Defendant in *Tibbs*. Nor has CIHL been served with process in *Tibbs*; in fact, it is not even identified as a defendant in *Tibbs*. (4th Supp. App. 1–91; *Tibbs* Complaint *passim*.) Since it isn't even a defendant, there is no way anything can happen with CIHL in *Tibbs*, and all proceedings related to CIHL "are *coram non judice*." *See Porter v. Brown*, 149 S.C. 151, 158, 161–62, 146 S.E. 810, 812–14 (1929) (finding that an order appointing a receiver mis-identified the entity to be placed in receivership and, therefore, all proceedings initiated by the receiver "must fall" because "F.S. Porter is not the legally appointed receiver in this case," and holding that because the "proceeding for the appointment of a Receiver was instituted without the institution of an action against the [correct] Opera Company, the Court was without authority to appoint a receiver, and all proceedings connected therewith are *coram non judice*").[2]

In addition to this obvious threshold point, after this Court's remand order, plaintiffs' counsel in *Tibbs* confirmed that they have never actually served CIHL with process in *Tibbs*, but instead they "served the receiver as Cape in the *Tibbs* case." (3d Supp. App. 367, Hr'g Tr. 156:23–24 (July 22, 2025) (statement of Ms. McVey).) But the Receiver had no authority to accept service

[2] This holding is reported in two concurring opinions in *Porter*, but four of the five justices deciding the case signed on to the above-quoted passage. "*Coram non judice*" means "'before a person, not a judge'—meaning, in effect, that the proceeding in question was not a ***judicial*** proceeding because lawful judicial authority was not present," and therefore anything involved in the proceeding is "void and, 'is, in legal effect, nothing.'" *Innovative Waste Mgmt. Inc. v. Crest Energy Partners GP, LLC*, 423 S.C. 611, 614–15, 815 S.E.2d 780, 782 (Ct. App. 2018) (quoting *Burnham v. Superior Court of Cal.*, 495 U.S. 604, 609 (1990), and *Turner v. Malone*, 24 S.C. 398, 401 (1886)) (emphasis in original).

of process on behalf of any "Cape" entity, as (a) his appointment from *Park* is void, and (b) he cannot be authorized to engage in such "boardroom" activity of a foreign company in any event.

Because it is not a defendant in *Tibbs* and there has never been any service of process over CIHL in *Tibbs*, there has been no personal jurisdiction over CIHL for anything arising out of this case, rendering the putative receivership in *Tibbs* (and the "third party complaint" filed by the putative Receiver) a nullity as well.

No South Carolina Contacts. In addition to misstating the evidence regarding service of process, the circuit court did not even attempt to explain how it could exercise personal jurisdiction over CIHL in any of its orders in this case or in *Park* consistent with Due Process, and that is because it has no such authority.

As the Court is aware, CIHL is an English company that has no contacts with South Carolina. The only mention of any connection to this State in any of the circuit court's orders comes through discussions of where the North American Asbestos Corporation, a now-dissolved Illinois company, distributed asbestos. (*E.g.*, 4th Supp. App. 109, New *Park* Appointment Order at 8; 4th Supp. App. 181, New *Tibbs* Appointment Order at 37 n.127 (citing a NAAC document).) Where ***NAAC*** distributed asbestos has nothing to do with whether a South Carolina court can exercise personal jurisdiction over ***CIHL***. *S. Plastics Co.*, 310 S.C. at 261, 423 S.E.2d at 131.

And whether CIHL itself was ever in the United States, including whether it operated as a "single economic unit" with NAAC, was the exact question that has already been conclusively resolved as a matter of English law—the law that would govern the issue—in *Adams v. Cape Industries plc* (1990) 1 Ch 433 (CA) (Supp. App. 104–483.) After more than 50 days of trial and appellate proceedings, where the English courts considered in extreme detail all facts that could possibly inform this issue during heavy adversarial proceedings, the answer is "No."

The U.S. Constitution prohibits the circuit court from trying to override a foreign company's "at home" law regarding that company's operations. *See Protopapas*, 2025 U.S. App. LEXIS 23439, at *17–22 ("Thus, when it comes to control over corporate decision-making, a state has no interest in regulating the internal affairs of foreign corporations." (cleaned up)). This prohibition is especially applicable here, where a South Carolina court is attempting to supersede English law about an English company on the exact question addressed by multiple English courts—and is doing so in a case where that English company has never been before the court.

Because there is no personal jurisdiction over CIHL in South Carolina for anything, all "receivership" proceedings involving CIHL in both *Park* and *Tibbs* have been a nullity and are void. A dismissal through a writ of prohibition is appropriate for this second independent reason.

III. There is no personal jurisdiction over the Altrad Defendants.

The circuit court also lacks jurisdiction over the Altrad Defendants, a French company and a French individual with no contacts in South Carolina. (4th Supp. App. 92–101, Affs. of Messrs. Alcock and Altrad.) The circuit court decided that it could exercise jurisdiction over these defendants in its December 6, 2023 Order on a theory that the Altrad Defendants were the "alter ego" or "guiding spirit" of CIHL even though they indisputably had nothing to do with CIHL until decades after CIHL ceased its asbestos operations. (App. 634–643.)

On its face, this is legally indefensible, as it would mean that personal jurisdiction automatically exists for a parent company in every forum where a subsidiary is located. This is not the law and would be impossible to square with Due Process. *See, e.g.*, *Fancy That! Bistro & Catering, LLC v. Sentinel Ins. Co.*, Case No. 3:20-cv-2382-BHH, 2021 U.S. Dist. LEXIS 197621, at *11–12 (D.S.C. Oct. 13, 2021) ("However, a parent company is not subject to personal jurisdiction in a particular forum merely due to its relationship with a subsidiary.").

More fundamentally: if CIHL is not subject to personal jurisdiction in South Carolina, the Altrad Defendants cannot have "derivative" personal jurisdiction that supposedly runs through CIHL. Because there is no personal jurisdiction over the Altrad Defendants, dismissal through a writ of prohibition is appropriate for this third independent reason.

IV. No plaintiff ever sought a receivership over CIHL, and the putative Receiver has no standing to seek his own appointment.

The circuit court further lacks jurisdiction to do anything with respect to this putative receivership because no plaintiff has ever sought such an appointment, which is a prerequisite under South Carolina law for a court to undertake such an appointment. *See* S.C. Code Ann. § 15-65-90 (requiring that the "party procuring the appointment" of a receiver must pay all "costs," "charges," "expenses," and "actual damages" associated with an improper appointment).

As detailed in the Altrad Defendants' motion to supplement the sanctions record in Appellate Case Nos. 2024-001423 and 2024-001499 (filed October 2, 2025; corrected motion filed October 16, 2025), when the initial appointment was entered in *Park* in March 2023, there was no plaintiff (as well as no defendant, no claim, and no judgment) who existed that could have requested such an appointment.

Mr. Park's lawyer reported to the circuit court that the *Park* case and another tort case were both "fully resolved" on June 3, 2022. (3d Supp. App. 203.) The next business day, Mr. Park released any potential claims he could have as a beneficiary, swore to the Probate Court that all work associated with the Park Estate had been completed, that the Estate should be closed, and that his appointment as the Estate's personal representative should be terminated. (3d Supp. App. 184–185.) And in August 2022, the Probate Court granted his motion, closed the Estate, and terminated his appointment. (3d Supp. App. 186–188.)

Accordingly, when the motion to appoint a receiver in *Park* was made in March 2023 and then granted 11 days later without a hearing (App. 437–440), the *Park* case was over, and there wasn't even a plaintiff available to make such a motion. Everything that has happened with this putative receivership stems from that March 2023 Order in *Park*—even now, the circuit court continues to cite it as the fountainhead for the receivership (New *Tibbs* Appointment Order at 5)—yet that order has been a nullity from the outset. *See, e.g.*, *McCullar*, 381 S.C. at 207, 672 S.E.2d at 785 (holding that once an estate is closed, it no longer exists as a legal entity, and a case lacking a legal entity as a party is a "nullity" due to the "fundamental" absence of jurisdiction); *Bailey v. Bailey*, 312 S.C. 454, 458–59, 441 S.E.2d 325, 327–28 (1994) (concluding that because "the respondents were without standing to intervene, the resulting restraining order [issued by the circuit court] is rendered void").

Nor can a legal nullity be cured retroactively, as the circuit court incorrectly stated on Pages 7 and 8 of its most recent order in *Tibbs*. *See, e.g.*, *Glenn v. E.I. DuPont de Nemours & Co.*, 254 S.C. 128, 134, 174 S.E.2d 155, 158 (1970) ("A complaint brought in the name of a plaintiff which is not a legal entity is a nullity and ***there is no foundation upon which to base an amendment***.") (emphasis added); *Bargil Assocs., LLC v. Crites*, 135 A.D.3d 676, 677–78 (N.Y. App. Div. 2016) ("Although the South Carolina probate court reappointed the defendant as the personal representative of the decedent's estate after the plaintiff made its present motion to dismiss the counterclaims and before the defendant submitted her opposition papers, such reappointment constituted a subsequent administration, ***which has no nunc pro tunc effect and does not relate back to the initial appointment***.") (applying South Carolina law, emphasis added); *see also* S.C. Code Ann. § 62-3-608 (providing that once a personal representative's appointment is terminated, he loses all "authority to represent the estate in any pending or future proceeding").

Perhaps more concerning, following this Court's remand order and its insistence on knowing "the current status of *Park*," the Altrad Defendants and others discovered that the motion to appoint a receiver was made in *Park* when there wasn't even a plaintiff left in the case. When questioned, Plaintiffs' counsel represented to the circuit court that the June 3, 2022 email that reported "the *Park* and *Garren* cases have both fully resolved" somehow actually meant that *Park* was "fully resolved but we had a tolling agreement with the receiver and that Cape was up for trial and the underlying *Park* case had many defendants in it had been up for trial and we had resolved with everybody but Cape and the receiver had not finished doing his work so we didn't want to go get any kind of judgment that couldn't be collected." (3d Supp. App. 361–362; Hr'g Tr. 150:6–151:7 (July 22, 2025) (statements of Ms. McVey, cleaned up).)

If true, this is a remarkable admission. Counsel reported that *Park* was "fully resolved" in June 2022. How could she have been referencing interactions with the putative Receiver (who wasn't "appointed" until March 2023), and a so-called tolling agreement between plaintiffs' counsel and the putative Receiver (that wasn't executed until June 2023 (3d Supp. App. 208)) in that June 2022 email? Again, if true, that admission raises substantial questions about whether counsel and the putative Receiver acted prematurely, before any appointment and without a proper party before the court, thereby creating an artificial "receivership" over a foreign company that was never before the circuit court in the first place—a putative receivership that has wreaked havoc on foreign entities, law firms, and lawyers, and which has pitted this Court against other courts internationally for no legitimate reason.

But the Court does not need to dig into this situation beyond recognizing this settled point of law: without a plaintiff seeking the appointment in *Park*, the circuit court lacked jurisdiction to issue its initial receivership appointment order, rendering the putative receivership a nullity.

Nor has any other plaintiff moved to establish a receivership over CIHL. This Court's remand instructions in June were clear:

> We now direct the circuit court to ensure the receiver has been authorized to conduct 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.

Tibbs ¶ (A)(1). Despite that clear directive without exception, the *Tibbs* plaintiffs have never moved to amend their pleadings to name CIHL as a defendant, they have never served CIHL with process, they have never moved for a receivership appointment, they have never identified specific property that is in peril for which a receiver is necessary, they have never come forward with evidence and arguments that would satisfy *Welch* and the rest of South Carolina receivership jurisprudence, and they have never agreed to undertake the cost-shifting risks associated with a wrongful appointment under South Carolina Code § 15-65-90.

Without a plaintiff seeking an appointment—instead, the putative Receiver himself asked for a self-appointment in *Tibbs* without any standing to do so—the receivership proceedings before the circuit court are a nullity. *See* S.C. Code Ann. § 15-65-90 (requiring a "party" to seek a receivership appointment); *White v. Britton*, 72 S.C. 175, 179, 51 S.E. 547, 548 (1905) (vacating an order appointing a receiver where the order was entered "by the Circuit Judge on his own motion" and "no application by either party was made for such appointment"). A dismissal through a writ of prohibition is appropriate for this fourth independent reason.

V. CIHL has no property in South Carolina.

As a matter of constitutional law, a receiver appointed in one state cannot invade the province of a company elsewhere without the other state's (or, here, other country's) approval. *Protopapas*, 2025 U.S. App. LEXIS 23439, at *18–22. The General Assembly recognized this

principle when it limited the reach of a receiver to only the in-state property of a foreign corporation. S.C. Code Ann. § 15-65-10(4).

Here, CIHL has no such property, nor has anyone ever identified any property at all that is possibly in peril that could require a receiver's oversight. And, as the Court is aware, there are no judgments and no claims pending against CIHL in South Carolina that such non-existent property would be used to satisfy in any event. Without any in-state property at issue, the circuit court has no jurisdiction to authorize a receivership regarding CIHL as a matter of U.S. constitutional law. This is a fifth independent reason to dismiss this matter through a writ of prohibition.

VI. The circuit court has disregarded the fundamental principles of South Carolina receivership law, as this Court just reiterated in *Welch* and *Tibbs.*

Alternatively, the Court should issue a writ of certiorari to address the fact that the circuit court appears to have disregarded the Court's teachings in *Welch* and *Tibbs*, along with a century of receivership jurisprudence, with its post-remand conduct. Those cases reinforced five principles of South Carolina receivership law, which the Altrad Defendants explained in detail in their Motion to Supplement the Sanctions Record, and which are restated below for reference:

Principle 1: A court cannot appoint a receiver over any portion of a defendant's assets without first having personal jurisdiction over that defendant. *Welch*, 445 S.C. at 657, 916 S.E.2d at 329. The circuit court has not engaged this threshold point, as discussed above.

Principle 2: A receiver can only act in the case in which he or she is appointed and can only secure assets needed to pay the claim of the party responsible for seeking the appointment. *See id.* at 667, 916 S.E.2d at 334–35 (holding that a receiver can only be authorized to marshal an asset needed to pay a debt owed to the party responsible for the receiver's appointment and, as a natural corollary, a receiver's activity is limited to the case in which he or she was appointed; *Tibbs* ¶ (A)(1) ("The receiver is not to be authorized to conduct work as to a case in which no receiver

appointment order has been filed.”). The circuit court has not engaged this point, as no plaintiff has even sought such an appointment, and no plaintiff has any claims or judgments against CIHL.

Principle 3: A receiver is not to be appointed prejudgment absent extraordinary circumstances, such as a clear danger that the property in dispute will be materially injured during litigation or when a debtor’s litigation conduct demonstrates that it is fraudulently concealing or disposing of assets. *See Tibbs* ¶ (A) (reiterating that “appointing a receiver before judgment is permissible only in the ‘rarest’ and ‘most extraordinary’ cases”).

The circuit court has not engaged this point, either, but instead has entered an order that suggests “fraud” in general regarding CIHL’s historical corporate structure. Not only is the circuit court’s position squarely rejected by an English court’s consideration of the structure of that English company in *Adams* (on an issue controlled by English law), it has nothing to do with the type of “in-litigation” fraud this Court held could potentially serve as the basis of a receivership appointment (again, with respect only to the assets that are allegedly being fraudulently concealed). *Welch*, 445 S.C. at 661–62, 916 S.E.2d at 331–32; *see also Va.-Carolina Chem. Co. v. Hunter*, 84 S.C. 214, 221–23, 66 S.E. 177, 179–80 (1909) (finding that the defendant’s and his sister’s sworn statements as to the defendant’s finances gave rise to an “inference that there has been a fraudulent disposition of the property” justifying a receiver).

The circuit court has also decided that litigation in Europe involving CIHL (defending itself in England, where it is located, against the putative Receiver’s overreach) and the Altrad Defendants (defending themselves in France, where they are located, against the putative Receiver’s overreach) is somehow evidence of “fraud.”

Respectfully, the Altrad Defendants are at a loss as to how their efforts to defend themselves against artificial proceedings in a state with which they have no contact can be termed

"fraud." These proceedings have been instituted by a putative receiver who does not exist as a matter of law and who is operating inconsistently with CIHL's business interests, thereby undermining CIHL's ability to manage its affairs. The Altrad Defendants have sought this Court's and the Court of Appeals' assistance from the outset to avoid the circumstances in which this litigation finds itself. They have been transparent throughout about their desire to urgently resolve this *ultra vires* litigation. Their eventual resort to defending themselves abroad as well is hardly "fraud," no matter how it is spun to this Court.

<u>Principle 4:</u> A receiver cannot make "boardroom" decisions or be involved in the "business activities" of a company over whose asset he or she has been appointed. *See Welch*, 445 S.C. at 667, 916 S.E.2d at 334–35 (reversing the circuit court in part and holding that a receivership cannot "reach every claim relating to Atlas Turner's assets and business activities" or "grant the Receiver entry into the Atlas Turner boardroom or some vague right to 'take over' operation of the company"); *see also Protopapas*, 2025 U.S. App. LEXIS 23439, at *16–22 (holding that "Whittaker's board retained authority over those corporate decisions reserved to it by New Jersey law, including the decision whether to reorganize by filing for bankruptcy," and rejecting the Receiver's argument that an order from the South Carolina Asbestos Docket authorized him to speak for the company on issues of litigation or to override the decision of the corporate board).

The circuit court is ignoring this point altogether and is allowing the putative Receiver to make boardroom decisions that this Court has expressly forbidden: accepting liability on behalf of CIHL, suing in the name of CIHL, waiving CIHL's defenses, and entering into agreements.

<u>Principle 5:</u> Because the limited purpose of a receivership is to "receive" specific property and preserve it for the sole purpose of satisfying a judgment or protecting the property from being squandered or hidden during litigation, an order appointing a receiver must also set a bond

sufficient to release that property from receivership. *See* S.C. Code Ann. §§ 15-65-50 ("No receiver shall be appointed before judgment when bond is offered.") and -60 ("Effect of bond given after appointment; return of property."); *Welch*, 445 S.C. at 667, 916 S.E.2d at 335 ("Finally, we note Atlas Turner retains the right to post a bond to lift the Receiver appointment."). The circuit court is ignoring this point as well, as the most recent appointment order still does not reference a bond that could be posted to end this artificial litigation.

* * * * *

Because the circuit court continues to disregard numerous specific instructions from this Court regarding the scope of receiverships, the Court should issue another common-law writ of certiorari, review the circuit court's most recent "appointment" orders, and vacate them.

CONCLUSION

The Altrad Defendants take quite seriously this Court's instructions regarding cessation of appellate filings. They file this Petition only after considerable reflection, and they do so in furtherance of this Court's instructions to minimize appeals of the circuit court's interlocutory—though immediately appealable by statute—rulings. The Rule of Law does not support anything that is happening in the circuit court, and the Petitioners seek these extraordinary writs in order to provide the Court with a procedural vehicle to end these proceedings without further appeals if it so chooses. The details tell the story:

- What contacts does CIHL have with South Carolina? *None.*
- What law governs CIHL? *English.*
- Does CIHL have any judgments or defaults or debts in South Carolina? *No.*
- Has any plaintiff moved the circuit court to create this putative receivership? *No.*
- Has any process server testified that he or she ever served any version of the *Park* complaint on CIHL? *No.*

- Was the Park Estate closed at the time of the initial receivership appointment in *Park*? *Yes.*

- Has CIHL been served with any process in *Tibbs*? *No.*

- Is CIHL even a defendant in *Tibbs*? *No.*

- What of CIHL's property is at risk of being concealed or squandered? *None identified.*

- What property is allegedly subject to this putative receivership? *All of CIHL's assets, none of which are in South Carolina.*

- What is the statutorily-required bond amount needed to dissolve the putative receivership? *None identified.*

- Is the putative receiver attempting to control CIHL's litigation decisions? *Yes.*

- Has the putative Receiver sued multiple lawyers and law firms and attempted to enter into multiple contracts, all supposedly in the name of CIHL? *Yes.*

- Have CIHL's actual directors released all claims that arise from the "third-party complaint" against the Altrad Defendants, and vice versa? *Yes.*

- Has an English court reviewed and endorsed that mutual release? *Yes.*

- Has an English court reviewed and considered all facts regarding any notion of CIHL having a "presence" anywhere in the United States, being the "alter ego" of, or operating as a "single economic unit" with NAAC? *Yes. After 50 days of trial and appellate proceedings, the English courts conclusively resolved all such questions, and they did so exactly the opposite of what the putative Receiver is alleging in South Carolina.*

Because the circuit court lacks jurisdiction and is acting in a manner inconsistent with this Court's clear instructions, the Altrad Defendants respectfully petition the Court to issue the requested extraordinary writs and dismiss this case.[3]

[3] As always, the Altrad Defendants file this Petition without waiving any of their defenses or objections, including the absence of personal jurisdiction in South Carolina, as discussed above in the text.

Respectfully submitted,

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