

# The South Carolina Court of Appeals

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 S.A.S, Charter Consolidated Ltd., ESAB Corporation, and Central Mining & Investment Corporation Ltd. are the Appellants.

Appellate Case No. 2025-002104

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ORDER

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This appeal arises out of an order of the circuit court clarifying the order appointing the receiver as directed by the Supreme Court in its June 26, 2025 order. *See Tibbs v. 3M Co.*, S.C. Sup. Ct. Order dated June 26, 2025. Respondent filed a motion to dismiss. We decide the motion without waiting for a return pursuant to Rule 263(a), SCACR. Because the order on appeal does not reach the merits of this matter, the appeal is dismissed. *See id.* (denying certiorari from orders of the Court of Appeals dismissing prior orders issued in this case as not immediately appealable); *id.* ("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 . . ."); *Welch v. Advance Auto Parts, Inc.*, 445 S.C. 640, 668, 916 S.E.2d 320, 335 (2025) ("This case is atypical and extraordinary where Atlas Turner's behavior warrants the relief ordered by the veteran trial judge who gave Atlas Turner many chances to comply and follow the rules like every other litigant. If Atlas Turner disagreed with the

trial court's pre-trial personal jurisdiction ruling, it had the usual recourse, including raising the issue again at trial. *Mid-State Distribs., Inc. v. Century Importers, Inc.*, 310 S.C. 330, 335, 426 S.E.2d 777, 780–81 (1993). Instead, Atlas Turner acted as if a ruling against them granted it license to ignore its responsibilities. Such conduct has consequences."). The remittitur will be sent as provided by Rule 221(b), SCACR.

  
\_\_\_\_\_, C.J.  
FOR THE COURT

Columbia, South Carolina

cc:

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Kevin A. Hall, Esquire  
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A. Victor Rawl, Jr., Esquire  
William James Blount, Esquire  
Troy S. Brown, Esquire  
Lauren McCulloch Semlinger, Esquire  
Paul A. Scrudato, Esquire  
The Honorable Jean Hoefler Toal

**FILED**  
**Oct 20 2025**