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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 AN APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

The Honorable Jean H. Toal  
Acting Circuit Court Judge

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.; 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.

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**MOHED ALTRAD AND ALTRAD INVESTMENT AUTHORITY S.A.S.’S CONSENT  
TO THE PUTATIVE RECEIVER’S SECOND MOTION TO SUPPLEMENT THE  
RECORD**

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The putative Receiver has again moved to supplement the record regarding his pending motion for sanctions. The Altrad Defendants have been clear throughout that they want the Court to be fully aware of what’s happening in this matter and that the Court should address the sanctions request based on a full record. Accordingly, the Altrad Defendants do not oppose the putative Receiver’s Second Motion for Leave to Supplement.

In keeping with the goal of transparency, the Court should be made further aware that earlier today, the English High Court issued a judgment stemming from the proceedings that form the basis of the Receiver’s most recent motion. A copy of that judgment is attached. *CIHL v. Protopapas* [2025] EWHC 2706 (Ch).

The English High Court took great pains to be respectful of the South Carolina Judiciary while also expressing dismay at the putative Receiver’s activities. The High Court continues to refer to the putative Receiver as an “impostor” because of his ongoing unlawful attempts to commandeer CIHL’s corporate decision-making—precisely what this Court held in *Welch* that a receiver could *not* do. (See Judgment ¶ 25 (“It would be wrong to ‘feed’ an impostor.”).) It characterized a proposed settlement payment by the DeBeers Defendants as “effectively making a present to the receiver, as far as English law is concerned,” because the putative Receiver does not exist in the eyes of the law. (*Id.* ¶ 23.) But the High Court also acknowledged that it was issuing its ruling on an expedited timeline specifically to accommodate courts in South Carolina. (*Id.* ¶¶ 4–12.)

While the Altrad Defendants agree that the Court should further supplement the record, they flatly reject the rhetoric and hyperbole of the putative Receiver’s motion, particularly with respect to his attempt to conflate the Altrad Defendants with CIHL. The fact that CIHL is an Altrad subsidiary is no secret—the High Court’s most recent order acknowledges that the Altrad Defendants are “Cape-associated entities.” (*Id.* ¶ 6.) But as a matter of law, corporate affiliation gives the putative Receiver no basis to ask this Court to treat the two groupings as if they are one—the High Court’s order approving the mutual release executed among CIHL and numerous other affiliates is proof positive that they are not interchangeable. *Altrad Investment Auth. SAS v. Protopapas* [2025] EWHC 2470 (Ch) (3d Supp. App. 59–97).

The Court should reject the putative Receiver’s attempts to inflame this Court against the Altrad Defendants because they and CIHL are defending themselves abroad against *ultra vires* activity. The putative Receiver has still never been lawfully appointed to do anything with respect to CIHL; not in this case, or in any other. The Altrad Defendants detailed in their October 19, 2025 Petition for a Writ of Prohibition and a Writ of Certiorari how everything happening at the circuit court is occurring without jurisdiction, is a legal nullity, and is being undertaken without adherence to this Court’s unambiguous proclamations 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).

The complete absence of jurisdiction below is not subject to legitimate dispute. Yet, the circuit court started a show trial today in which the putative Receiver’s counsel explained their desire to strip away CIHL’s defenses and expose CIHL—an English company that is ***not even a party to this case*** and which is not subject to jurisdiction in South Carolina—to untold liability in the United States. And they are doing so while pretending to speak on behalf of CIHL.

Despite *Welch* and *Tibbs*'s clear instructions and principles of law, the putative Receiver has continued to make "boardroom" decisions unabated without a single judgment, debt, or even claim pending against CIHL. The putative Receiver is not marshaling assets; he is attempting to create liability against an active foreign entity. It is truly unprecedented. Sanctions should be denied, and this litigation should be dismissed.<sup>1</sup>

Respectfully submitted,

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<sup>1</sup> As with their prior submissions, the Altrad Defendants file this reply without waiving any of their prior objections or arguments, including those related to personal jurisdiction.