

Oct 31 2025

S.C. SUPREME COURT
IN THE COURT OF COMMON PLEAS

CIVIL ACTION NO: 2021-CP-40-02727

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

ISABELLA PARK,

Plaintiff,

v.

ARMSTRONG INTERNATIONAL, et al.,

Defendant.

ORDER

This matter comes before the Court on the motion of certain unnamed Underwriters at Lloyd’s, London; Continental Casualty Company; and Liberty Mutual Insurance Company (collectively, “Certain Insurers”), pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure, to Reconsider or, in the Strict Alternative, to Alter or Amend, this Court’s October 13, 2025 Order on Receiver’s Motion to Enforce Subpoenas Against Certain Underwriters at Lloyd’s London, Continental Insurance Company, and Liberty Mutual Insurance Company (hereinafter, the “October 13 Order”).

The October 13 Order related to April 28, 2025 subpoenas from Peter Protopapas, as the Court’s appointed receiver for Cape PLC, to Certain Insurers (hereinafter, the “Subpoenas”). Certain Insurers raised numerous substantive and procedural objections to the Subpoenas. On June 2, 2025, Mr. Protopapas filed a Motion to Enforce the Subpoenas. After significant briefing and a lengthy hearing on the Motion to Enforce, the Court entered the October 13 Order granting the Receiver’s Motion to Enforce.

On October 20, 2025, Certain Insurers filed a timely Motion to Reconsider. The Court scheduled a hearing on the Motion to Reconsider to take place on October 29, 2025. Prior to the scheduled hearing, the Receiver reported to the Court and counsel that he no longer believed the

Subpoenas were necessary and indicated that he would ask the Court to vacate the October 13 Order. The Receiver subsequently confirmed this request on the record at the October 29, 2025 hearing. In light of the recent settlement between the Receiver and certain Anglo American and related entities in connection with third-party claims asserted in *Tibbs v. 3M Co.*, 2023-CP-40-01759, the Receiver reported that he no longer believed that the Subpoenas in this case are necessary. As a result, he asked that this Court deem the Subpoenas and his Motion to Enforce as withdrawn and that the Court vacate the October 13, 2025 Order. Without waiving their prior objections, Wesley Sawyer, counsel for Certain Insurers, confirmed that an Order vacating the October 13, 2025 Order and deeming the Subpoenas and the Motion to Enforce as withdrawn would resolve the issue. Certain Insurers are only involved in this litigation as recipients of non-party subpoenas. Therefore, if the Court's October 13, 2025 Order is vacated and the Subpoenas and Motion to Enforce are withdrawn, then Certain Insurers no longer have a connection with this litigation.

The Court finds that the relief requested by the Receiver is appropriate and would end a dispute that has been thoroughly litigated in this matter. Therefore, for good cause shown, the Court ORDERS, ADJUDGES AND DECREES:

- (1) The Court's October 13, 2025 Order is hereby vacated;
- (2) The Receiver's June 2, 2025 Motion to Enforce Subpoenas Against Certain Insurers Pursuant to Rule 45 is deemed withdrawn and stricken;
- (3) The Receiver's April 28, 2025 Subpoenas to Continental Casualty Company, Liberty Mutual Insurance Company, and Underwriters at Lloyd's London are deemed withdrawn and stricken.

IT IS SO ORDERED.

[JUDGE'S ELECTRONIC SIGNATURE PAGE TO FOLLOW]



Richland Common Pleas

Case Caption: Isabella Park , plaintiff, et al vs Armstrong International Inc ,
defendant, et al
Case Number: 2021CP4002727
Type: Order/Other

So Ordered

Jean H. Toal