

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
For the Fifth Judicial Circuit  
The Honorable Jean H. Toal,  
Acting Circuit Court Judge

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Civil Action No. 2023-CP-40-01759

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Appellate Case No. 2025-002104

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**RECEIVED**

**Nov 06 2025**

**SC 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.; Lowserve 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; and 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.; DeBeers PLC; DeBeers Centenary AG; DeBeers Consolidated Mines Ltd.; DeBeers S.A.; DeBeers UK Ltd.; DeBeers Jewelers 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 (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

Of which Mohed Altrad and Altrad Investment Authority SAS are the,

Appellants.

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**MOTION TO STRIKE ATTACHMENTS TO  
PETITIONS FOR REHEARING**

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Pursuant to Rule 240 of the South Carolina Rules of Appellate Procedure, Respondent Cape PLC, individually and as successor in interest to Cape Asbestos Company Limited, by and through its duly appointed Receiver Peter D. Protopapas (“the Receiver”), respectfully moves for this Court

to strike (1) the attachments submitted with Appellants' petitions for rehearing filed on November 4, 2025, and (2) any arguments in the petitions for rehearing that rely on the attachments.<sup>1</sup>

On June 26, 2025 ("the June Remand Order"), the Supreme Court characterized many of the interlocutory appeals arising out of the asbestos docket by Appellants and others as "border[ing] on frivolous" and warned summary dismissals and sanctions could be appropriate if the improper appellate activity continued. Appellants' continued pursuit of this interlocutory appeal and the submission of materials with the petitions for rehearing, and reliance on that material, is frivolous, should be summarily dismissed, and constitutes sanctionable behavior. The Court's decision on the threshold appealability question is based solely on an evaluation of the order attempting to be appealed, and the Court should not look outside of that order to decide whether it is immediately appealable. Further, the Altrad Appellants have submitted an October 30, 2025 order of the circuit court in a different case, which is irrelevant to the appealability question, involves different parties and facts, and has not been appealed to this Court. At the outset of any case, this Court must determine whether an order is immediately appealable, and if so, it then goes on to review the appealed order(s) based on a record on appeal compiled with proper materials designated by all parties. *See* Rule 210, SCACR. In a record on appeal, the parties would jointly designate materials so that all parties can ensure the correct documents are being presented to the Court for review and all relevant materials, including all relevant portions of hearing transcripts, are provided to the Court. *Id.*

Here, this Court found the order attempting to be appealed was not immediately appealable, so it did not proceed to the second step of hearing arguments from the parties on the perceived

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<sup>1</sup> The Altrad appellants rely on the improper material on pages 4, 5, and 8 of their petition for rehearing. The Charter appellants rely on the improper material on pages 1, 5, 10, 13, and 14 of their petition for rehearing.

errors based on the record on appeal. Appellants are treating the appellate court like a trial court. The one-sided submission of documents with the petitions for rehearing, including excerpts from hearings without context (and in some instances without identifying the speaker) and orders in different cases, is outside the bounds of the rules of appellate procedure and should be stricken.

By: /s/ Jonathan M. Robinson

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*Attorneys for Respondent Cape PLC, individually  
and as successor in interest to Cape Asbestos  
Company Limited, n/k/a Cape Intermediate Holdings  
Ltd. by and through its duly appointed Receiver  
Peter D. Protopapas*

November 6, 2025  
Columbia, South Carolina

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
For the Fifth Judicial Circuit  
The Honorable Jean H. Toal,  
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Civil Action No. 2023-CP-40-01759

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Appellate Case No. 2025-002104

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Plaintiffs,

v.

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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,

and

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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.; 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 (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

Of which Mohed Altrad and Altrad Investment Authority SAS are the,

Appellants.

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**PROOF OF SERVICE**

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I certify that a true copy of the Respondent's Motion to Strike Attachments to Petitions for Rehearing in this case has been served on the following, this 6th day of November, 2025, by emailing a copy to each attorney listed below using their primary email address listed in the Attorney Information System pursuant to subsection (g)(3) of the South Carolina Supreme Court's March 20, 2020 Order, as amended May 29, 2020. Pursuant to subsection (g)(3) of the South

Carolina Supreme Court's Order, service on the attorneys admitted pro hac vice is accomplished by service on the associated South Carolina lawyer.

Counsel Served:       **E-Mail**

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November 6, 2025

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November 6, 2025

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

**RECEIVED**  
**Nov 06 2025**  
**SC Court of Appeals**

Re: John A. Tibbs and Margaret B. Tibbs v. Cape PLC, etc., et al.  
Appellate Case No. 2025-002104

Dear Ms. Kitchings:

Please find enclosed a check representing the filing fee for the Respondent's Motion to Strike Attachments to Petitions for Rehearing filed on behalf of Respondent Cape PLC, by and through its duly appointed Receiver, Peter D. Protopapas, in the above-referenced case via email on November 6, 2025.

Sincerely,

  
Jonathan M. Robinson

JMR/dlf

Enclosure

cc: Counsel of record via email