

Attachment A: Timeline of *Park*, *Tibbs*, and Putative Receiver's Activities

<u>Park Case</u>	<u>Date</u>	<u>Tibbs Case</u>
2021		
Complaint filed; no allegations against any "Cape" entity in pleading; never served on any "Cape" entity	June 4, 2021	
Ms. Park died	June 9, 2021	
Park Estate opened; Ms. Park's son Keith Park appointed personal representative	August 4, 2021	
First Am. Complaint filed, named Cape plc (Jersey) and CIHL (England) as distinct entities and distinct defendants	November 17, 2021	
U.K. process server mailed "First Amended Summons," using only 1£ of postage, to Cape plc and CIHL at same address	December 14, 2021	
Second Am. Complaint filed, mooted First Am. Complaint; never served on any "Cape" entity	December 23, 2021	
2022		
Mediation of <i>Park</i> case	May 24, 2022	
Counsel reported to the circuit court that <i>Park</i> and another case "have both fully resolved," obviating June 20, 2022 trial setting	June 3, 2022	
Keith Park moved Probate Court to close Park Estate and be discharged as personal representative	June 6, 2022	
Probate Judge Caldwell granted motion, closed Park Estate, and terminated P.R. appointment	August 26, 2022	

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S.C. SUPREME COURT

<u>Park Case</u>	<u>Date</u>	<u>Tibbs Case</u>
2023		
Nine months after case is “fully resolved,” counsel moved to appoint a receiver over Cape plc only—without a plaintiff, defendant, claim, or judgment,	March 6, 2023	
Order appointing a prejudgment receiver over Cape plc “in this case”; no notice of motion; no hearing held; no mention of CIHL; no bond; no “findings of fact” included; no compliance with receivership statutes	March 17, 2023	
	April 5, 2023	Complaint filed, naming only Cape plc as a defendant
Putative Receiver sued law firm of Locke Lord in the name of Cape plc	April 12, 2023	
	June 12, 2023: alleged “Tolling Agreement” entered in the name of Cape plc	
	Unknown Date, 2023	Putative Receiver claimed to accept service on behalf of Cape plc (no proof of service has ever been filed)
	June 30, 2023	Putative Receiver filed “Third-Party Complaint” in Cape plc’s name
Locke Lord moved to dissolve putative receivership; no opposition ever filed, and no hearing ever held	September 15, 2023	
	December 6, 2023	Circuit court denied motions to dissolve putative receivership; <i>nunc pro tunc</i> modification of <i>Park</i> ; still no compliance with receivership statutes
	December 18, 2023	Notice of Appeal filed/served
2024		
	March 12, 2024	While appeal was pending, circuit court denied motion to enjoin discovery efforts by the putative Receiver

<u><i>Park Case</i></u>	<u><i>Date</i></u>	<u><i>Tibbs Case</i></u>
	May 23, 2024	While appeal was pending, circuit court entered orders striking a defense and finding contempt by granting dispositive “adverse inferences” and “preadmitting exhibits” against Petitioners
	August 30, 2024: Cape plc’s and CIHL’s counsel in England, Winston & Strawn, advised the putative Receiver that he has no authority to speak for either active company	
	September 5, 2024: Putative Receiver sued Winston & Strawn and several lawyers in the name of Cape plc (C/A No. 2024-CP-40-05397)	
Putative Receiver filed “motion to clarify” seeking retroactive approval of his activity in <i>Tibbs</i> case; still no plaintiff for whom the putative Receiver could e seeking recovery “in this case”	November 1, 2024	
Circuit court granted “motion to clarify” without a hearing	November 5, 2024	
	November 12, 2024: Putative Receiver purported to accept service of new litigation filed by Plaintiffs’ Counsel “as attorney for” Cape plc (C/A No. 2024-CP-40-06639)	
Locke Lord filed Rule 59 motion regarding November 5th “clarification” order; no opposition ever filed, and no hearing ever held	November 15, 2024	
	November 18, 2024	Putative Receiver filed motion to compel production of privileged attorney-client materials
	November 22, 2024: English Court issued injunction and declared the putative Receiver to be an “impostor” of CIHL and Cape plc; putative Receiver was served with process but did not appear	

<u>Park Case</u>	<u>Date</u>	<u>Tibbs Case</u>
2025		
	<p>May 20, 2025: U.S. Bankruptcy Court of the S.D.N.Y. issues order granting provisional relief, staying all litigation as to ACL (one of two remaining defendants in <i>Tibbs</i> first-party action)</p> <p>May 21, 2025: Supreme Court issued <i>Welch</i>, specifically cautioned that a receiver cannot engage in “boardroom” activities or pursue assets beyond those necessary to pay a specific plaintiff’s claim</p> <p>June 26, 2025: Supreme Court issued <i>Tibbs</i>, demanded to know “current status of Park,” and directed that receivership appointments comply with <i>Welch</i></p>	
Complaint against Locke Lord voluntarily dismissed with prejudice	July 10, 2025	
	July 11, 2025	Putative Receiver moved to “confirm” his own prejudgment appointment
Keith Park appointed as P.R. over new estate for “Possible Civil Litigation”	July 30, 2025	
Complaint against Winston & Strawn voluntarily dismissed without substantive litigation	July 31, 2025	
	<p>September 10, 2025: Third Circuit issued <i>Protopapas</i>; declared receiverships from the Asbestos Docket to be “an unprecedented exertion of power over a foreign corporation” and a “radical intrusion into the province of a co-equal sovereign”</p>	

<u><i>Park Case</i></u>	<u><i>Date</i></u>	<u><i>Tibbs Case</i></u>
	September 30, 2025: English court confirmed that CIHL’s actual directors have released all claims against the Altrad Petitioners that are at issue in the “third-party complaint”; putative Receiver was served with process but did not appear	
	October 6, 2025	Putative Receiver announced a tentative “settlement” with DeBeers entities
Order issued purporting to comply with <i>Welch</i> and <i>Tibbs</i> regarding appointment of the putative Receiver	October 13, 2025	Order issued purporting to comply with <i>Welch</i> and <i>Tibbs</i> regarding appointment of the putative Receiver; changed entity subject to receivership to CIHL from Cape plc
	October 14, 2025	Notices of Appeal filed/served regarding October 13th order appointing and modifying receivership
	October 19, 2025	Petitions for Extraordinary Writs filed/served
	October 20, 2025: English Court issued order stating that if DeBeers “settles” with the putative Receiver, such “settlement” would be deemed a “present” to the Receiver	Circuit court began “bench trial” of derivative claims, brought in CIHL’s name, without any first-party liability being established
	October 28, 2025	Putative Receiver moved for the circuit court to allow him to create a platform to waive service of claims (outside of <i>Park</i> and <i>Tibbs</i>) on CIHL’s behalf and to resolve claims independent of CIHL
At the putative Receiver’s request, circuit court vacated its October 13, 2025 order that purported to appoint the putative Receiver consistent with instructions of <i>Welch</i> and <i>Tibbs</i>	October 30, 2025	Circuit court vested the putative Receiver with authority to waive service of claims (outside of <i>Park</i> and <i>Tibbs</i>) on CIHL’s behalf and to resolve claims in its name and sealed the “settlement” with DeBeers; no hearing held
	November 12, 2025	Briefing closed on Petitions for Extraordinary Writs

Attachment A: Timeline of Receivership Activity

Park Case

June 4, 2021
Complaint filed; no "Cape" entity discussed in pleading or served with process.

August 4, 2021
Park Estate opened; Ms. Park's son Keith appointed personal representative.

STOP **June 3, 2022**
Park plaintiffs represent to the Court that *Park* was "fully resolved."

STOP **June 6, 2022**
Keith Park files a sworn statement with the Probate Court attesting that Park estate should be closed and requesting termination of his appointment as personal representative.

STOP **August 26, 2022**
Probate Court grants Park's motion to close the estate and terminates his appointment as personal representative.

March 6, 2023
Plaintiffs' counsel files a motion in *Park* to appoint a receiver over Cape PLC only with the estate closed and with no plaintiff, defendant, claim, or judgment.

March 17, 2023
Per Plaintiff's counsel's request, Protopapas appointed as pre-judgment receiver in "fully resolved" *Park* over Cape PLC only without a hearing, notice, or "findings of fact" and with no bond provision.

November 1, 2024
Putative Receiver filed "motion to clarify" seeking retroactive approval of his void activity in *Tibbs* case.

November 5, 2024
Circuit Court granted, without a hearing, "motion to clarify" filed four days earlier, seeking approval of his activity in *Tibbs*; Order attacked by timely Rule 59(e) motion that was never heard or opposed.

Tibbs Case

April 5, 2023
Tibbs First-Party Summons & Complaint filed against Cape PLC only, and, thereafter putative Receiver purports to accept service on behalf of Cape PLC.

June 12, 2023
Tibbs plaintiff and *Tibbs* plaintiffs' counsel execute a Dismissal Agreement; plaintiff agreed to toll the statute of limitations on the claims against Cape plc in exchange for the *Tibbs* plaintiffs' agreement to dismiss their claims against Cape plc.

June 30, 2023
Tibbs Third-Party Receivership Complaint filed seeking a "reckoning" and findings of alter ego and derivative liability.

September 1, 2023
Altrad Defendants file motion to dismiss on personal jurisdiction and subject matter jurisdiction grounds.

December 6, 2023
Order denying motion to dismiss for lack of personal jurisdiction and to dissolve *Park* receivership.

December 18, 2023
Notice of Appeal as to December 6 Order filed/served.

April 10, 2024
Tolling Agreement is disclosed in open court and on the record by counsel for *Tibbs*.

May 23, 2024
Circuit Court grants motion for sanctions and adverse inferences amounting to contempt finding against Altrad.

December 9, 2024
Tibbs initial trial setting.

2021

2022

2023

2024

UK Proceedings

August 30, 2024
Cape plc's and CIHL's counsel in England, Winston & Strawn, advised the putative Receiver that he has no authority to speak for either company.

STOP **November 2024**
After proper service and due notice to putative Receiver, J. Mann issues a worldwide injunctive order against Protopapas in the United Kingdom and finds that Protopapas acted without the consent of the legitimately appointed board of CIHL.

Appellate Courts

Attachment A: Timeline of Receivership Activity

Park Case

July 30, 2025
Keith Park appointed as P.R. over new estate for "Possible Civil Litigation."

July 22, 2025
Plaintiffs' counsel represents to SC Circuit Court that June 3, 2022 email that Park was "fully resolved" was conditioned by a tolling agreement executed after closure of estate.

October 13, 2025
Order issued purporting to comply with *Welch* and *Tibbs* regarding appointment of the putative Receiver.

October 30, 2025
Circuit Court vacated its October 13, 2025 order that purported to appoint the putative Receiver consistent with instructions of *Welch* and *Tibbs*, leaving no possible appointment order in *Park* or *Tibbs*.

Tibbs Case

July 11, 2025
Putative Receiver moved to "confirm" his own appointment.

October 6, 2025
Putative Receiver announced a tentative "settlement" with Anglo American/DeBeers entities

October 13, 2025
Circuit Court issues new appointment Order purporting to comply with *Welch* and *Tibbs*, changing entity subject to receivership to CIHL; notice of appeal filed next day.

October 20, 2025
Tibbs non-jury trial begins against third-party defendants even though first-party action stayed and no judgment entered, third-party defendants demanded a jury trial, and third-party complaint was amended days earlier (which was later revoked from the bench mid-trial).

October 23, 2025
Tibbs Trial suspended.

October 30, 2025
Circuit Court vested the putative Receiver with authority to waive service of claims on CIHL's behalf and to resolve claims in its name and sealed the "settlement" with DeBeers; no hearing held.

October 30, 2025
SC Circuit Court signs order approving settlement between Anglo De Beers and Protopapas, and creation of QSF, WITHOUT the authority or consent of CIHL Board.

October 30, 2025
Circuit Court vacates October 13 Appointment Order in *Park*.

December 4, 2025
Tibbs trial to resume.

UK Proceedings

September 2025 **STOP**
J. Smith, in the United Kingdom, affirms the settlement agreement dismissing all Altrad Defendants and affiliates from the *Tibbs* litigation, with the full authority and consent of the board of CIHL.

October 20, 2025
J. Mann in the United Kingdom allows Anglo American/De Beers to enter settlement, resulting in a "present" to Protopapas, but does not release them from liability for violating injunction.

Appellate Courts

May 2025 **STOP**
SC Supreme Court issues *Welch* – orders receiver out of boardroom and that scope of authority to act is limited to marshalling of assets and only for specific claimant at hand.

June 2025 **STOP**
SC Supreme Court issues order to SC Circuit Court mandating appointment order in specific case where receiver operates.

October 19, 2025
Altrad and Charter file writ of prohibition with SC Supreme Court.

October 20, 2025
Court of Appeals dismissed Altrad and Charter appeal without briefing or considering argument.

November 7, 2025
Plaintiffs and Receiver response brief due to Supreme Court.

November 12, 2025
Altrad and Charter Reply briefs due.