

The Supreme Court of South Carolina

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 and 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

ORDER

On November 20, 2025, this Court certified this case from the court of appeals and instructed the parties to file any objections to expediting the briefing schedule within five days. To date, no objections were filed. Accordingly, this appeal shall be expedited as follows:

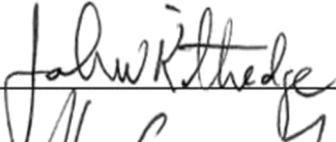



- Appellants shall serve and file their briefs, in the form of final briefs, along with a record on appeal that includes all of Appellants' designations of matter, by December 10, 2025.
- Respondent shall serve and file its brief, in the form of a final brief, and its designation of matter, on or before December 30, 2025.

- Appellants shall serve and file their final reply brief(s) and a supplemental record on appeal containing any additional materials designated by Respondent by January 6, 2026.
- For the use of the Court, the parties must also file ten bound copies of the record and their briefs by January 6, 2026.

In addition to any other issues Appellants intend to raise on appeal, the parties' briefs must address:

- The impact of *Adams v. Cape Industries Plc* [1990] Ch. 433 on South Carolina's exercise of personal jurisdiction over Cape PLC and its subsidiaries, affiliates, and successors in interest, including NAAC and Appellants;
- Whether *Adams v. Cape Industries Plc* [1990] Ch. 433 estops the receiver, as a matter of international law, from pursuing its alter ego/amalgamation theory on behalf of Cape PLC against Appellants; and
- Whether Appellants have waived the defense of lack of personal jurisdiction.

While no initial briefs will be filed in this case, the content of the briefs shall, to the extent possible, comply with the requirements of Rule 208(b), SCACR. The parties will be advised when this case is scheduled for oral argument.

	C.J.
	J.
	J.
	J.

Verdin, J., not participating

Columbia, South Carolina
November 26, 2025

cc:

Matthew Todd Carroll
Kevin A. Hall
Mary Elizabeth O'Neill
George Murrell Smith, Jr.
John Thomas Lay, Jr.
Gray Thomas Culbreath
Lindsay Anne Joyner
Eleanor Lasseigne Jones
Jonathan M. Robinson
Shanon N. Peake
A. Victor Rawl, Jr.
Theile Branham Mc Vey
John D. Kassel
Jamie Rae Rutkoski
Charles William Branham, III
Kevin W. Paul
David Christopher Humen
James H. Elliott, Jr.
Cameron D. Berthelsen