

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

JOHN A. TIBBS and MARGARET B. TIBBS,

Plaintiffs,

v.

3M COMPANY, *et al.*,

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,

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

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

C.A. No. 2023-CP-40-01759

In Re: Asbestos Personal Injury Litigation
Coordinated Docket

**SIXTH REPORT TO THE
SUPREME COURT OF SOUTH CAROLINA
PURSUANT TO ITS ORDER OF REMAND
DATED JUNE 26, 2025**

RECEIVED

DEC 22 2025

SC SUPREME COURT

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; THE SPARROWS GROUP, LLC,

Third-Party Defendants.

Pursuant to the South Carolina Supreme Court's Order of Remand in this matter, dated June 26, 2025, in which the Court asked that I submit monthly reports as to my progress in addressing the directives from the Court contained in its Remand Order, this will constitute my Sixth Report.

Since my Fifth Report to this Court regarding the above-referenced matter, the following events have occurred:

On November 26, 2025, the Supreme Court issued an Expedited Order for consideration of the above-referenced appeal and setting forth a Briefing Schedule and a designation of certain issues which the Appellants were directed to address. That order is attached hereto.

On December 4, 2025, the Supreme Court issued an Order regarding Appellants' filing on November 25, 2025 of a Notice of Appeal with the Court of Appeals from the Order of the undersigned, dated October 30, 2025, granting and approving a Confidential Settlement Agreement between the Anglo Third-Party Defendants and the Third-Party Plaintiff Receiver. On the same day, Appellants filed a Motion with the Supreme Court requesting certification of that settlement appeal and consolidation with the above-referenced appeal. In its December 4, 2025 Order, the Supreme Court granted Appellants' Motion to Certify, granted the Respondents' Motion to Dismiss this Appeal, and Denied Appellant's Motion to Consolidate as Moot. The Court's Order of December 4, together with email correspondence between me and the parties regarding this order, are attached. The Remittitur has been sent down. In light of the fact that Altrad and the Charter, ESAB, and Central Mining Appellants are the only remaining Appellants in the above-referenced matter, it is understandable that the Supreme Court dismissed the Altrad and Charter Defendants' attempts to appeal the undersigned's Order approving the Receiver's Settlement with the Anglo Defendants.

All further matters involving the interrupted trial before me have been stayed pending the Supreme Court's resolution of the Appeal above discussed. I will continue to exercise jurisdiction in this matter to consider any further settlement proposals if presented for approval.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jean Hofer Toal', written in a cursive style.

Chief Justice (Ret.) Jean Hofer Toal
Presiding Circuit Court Judge

Dated December 22, 2025
Columbia, South Carolina

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:

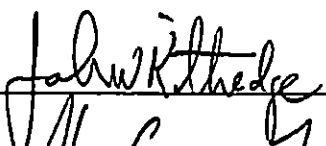

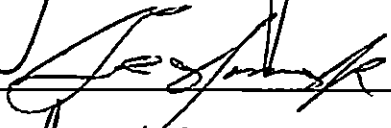

- Appellants shall serve and file their briefs, in the form of final briefs, along with a record on appeal that includes all of Appellants' designations of matter, by December 10, 2025.
- Respondent shall serve and file its brief, in the form of a final brief, and its designation of matter, on or before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

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 Nos. 2025-002373 and 2025-002372

ORDER

On November 25, 2025, Appellants filed a notice of appeal with the court of appeals from the circuit court's October 30, 2025 order granting and approving a confidential settlement agreement. The appeal was assigned the Appellate Case Number 2025-002372. That same day, Appellants filed a motion with this Court to certify the appeal and to consolidate it with a related case (Appellate Case Number 2025-002104).

After careful consideration, we grant Appellants' motion to certify pursuant to Rule 204(b), SCACR, grant Respondent's motion to dismiss the appeal, and deny Appellants' motion to consolidate as moot. The remittitur will be sent as provided in Rule 221, SCACR.

John Kittledge C.J.
John Cannon Ford J.
John James J.
D. Hamilton J.

Verdin, J., not participating

Columbia, South Carolina
December 4, 2025

cc:

Matthew Todd Carroll
Kevin A. Hall
Mary Elizabeth O'Neill
Jonathan M. Robinson
Shanon N. Peake
John Thomas Lay, Jr.
Gray Thomas Culbreath
Lindsay Anne Joyner
Eleanor Lasseigne Jones
Troy S. Brown
Lauren McCulloch Semlinger
Paul A. Scudato
A. Victor Rawl, Jr.
William James Blount
Theile Branham McVey
John D. Kassel
Jamie Rae Rutkoski
Charles William Branham, III
Kevin W. Paul
David Christopher Humen

Eubanks, Tiffany

From: Toal, Jean
Sent: Thursday, December 4, 2025 2:59 PM
To: Jon Robinson
Cc: Carroll, Todd; Eubanks, Tiffany; Peter Protopapas; vrawl@grsm.com; John T. Lay; Lindsay Valek; Kevin Hall; Elizabeth O'Neill; Shanon Peake; Dot Faulkenberry
Subject: Re: 2023-CP-40-01759: November 12, 2025 Notice of Hearing

Mr Robinson: Thank you very much for this update. In light of the fact that Altrad was not involved in the Anglo settlement and in light of the fact that the English Court did not interpose any objection to the Anglo settlement despite Altrad's attempts to have the English Court do so, our Supreme Court's action is understandable. Jean Toal
Sent from my iPhone

On Dec 4, 2025, at 1:34 PM, Jon Robinson <jon.robinson@smithrobinsonlaw.com> wrote:

*** **EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

Dear Chief Justice Toal,

As you know, on November 20, the Supreme Court issued an order certifying the appeal of the Tibbs order confirming the appointment of the Receiver, stayed the trial, and held the Petitions for Writs of Certiorari and Prohibition filed on October 19 in abeyance. The Supreme Court has issued a briefing schedule in the confirmation appeal.

On November 25, while the trial has been in recess, the Charter and Altrad Defendants filed a Notice of Appeal from your October 30th order approving the Receiver's settlement with the Anglo Defendants, a request for the Supreme Court to certify the settlement appeal, and a motion to consolidate the settlement appeal with the previously-certified confirmation appeal. The Receiver promptly filed a Motion to Dismiss the settlement appeal on Monday, December 1st.

Today, the Supreme Court issued the attached order certifying and dismissing the settlement appeal.

--
Columbia

Jon Robinson
Managing Member
Office: 803.254.5445