



RECEIVED

JAN 21 2026

SC SUPREME COURT

The Supreme Court of South Carolina

JEAN HOEFER TOAL
CHIEF JUSTICE, RETIRED
SENIOR ACTIVE JUDGE

January 21, 2026

~~1220 SENATE STREET (ZIP CODE 29201)~~
P.O. BOX 12456
COLUMBIA, S.C. 29211
~~TELEPHONE (803) 734-1584~~
~~FAX (803) 734-1047~~
E-MAIL: jtoal@sccourts.org

The Hon. Patricia A. Howard
Clerk of Court
South Carolina Supreme Court
1231 Gervais Street
Columbia, SC 29201

Re: 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,
Respondent, v. Anglo American PLC, individually and as successor in interest to Anglo
American Corporation of South Africa LTD., *et al.*, Third-Party Defendants,

Of which Mohed Altrad, Altrad Investment Authority SAS, ArranCo US, LLC, Hawk Bidco
(US) Inc., Sparrows Offshore, LLC, Charter Consolidated Ltd., ESAB Corporation, and
Central Mining & Investment Corporation Ltd. are the Petitioners.

Appellate Case Nos. 2024-001423, 2024-00001499, 2024-000916, 2024-002114, 2024-002116,
2024-002117, 2025-000052

Dear Ms. Howard:

The above-captioned matter was remanded to me by the Supreme Court of South Carolina
on June 26, 2025, with directives by the Supreme Court.

I hereby file my Seventh Report to the Supreme Court as directed by the Tibbs Remand
Order as of January 21, 2026.

I will continue to report my progress on this matter to the Court, and welcome any further
guidance or directives given to me.

With my kindest personal regards,

I am, Sincerely yours,


Jean Hofer Toal

CC: via email to

The Hon. Jenny A. Kitchings	jkitchings@sccourts.org
John Chandler	jchandler@rplegalgroup.com
Peter Protopapas	pdp@rplegalgroup.com
Harry Lee	hlee@steptoe.com
Todd Carroll	todd.carroll@wbd-us.com
Elizabeth O'Neill	elizabeth.oneill@wbd-us.com
Kevin K. Bell	kbell@robinsongray.com
Wesley B. Sawyer	wsawyer@murphygrantland.com
Theile McVey	tmcvey@kassellaw.com
Trey Branham	tbranham@dobslegal.com
Cameron Berthelsen	cberthelsen@richardsonplowden.com
James Elliott	jelliott@richardsonplowden.com
Scott Balber	scott.balber@hsf.com
Benjamin Rubinstein	Benjamin.Rubinstein@hsf.com
Maxwell Herman	Maxwell.Herman@hsf.com
A. Vic Rawl	vrawl@grsm.com
John T. Lay	jlay@gwblawfirm.com
Jon Robinson	jon@smithrobinsonlaw.com
Olesya Bracey	obracey@gwblawfirm.com
Shanon Peake	shanonp@smithrobinsonlaw.com
Paul A. Scrudato	paul.scrudato@morganlewis.com
Andrew Melling	amelling@burr.com
Elizabeth Kaminski	elizabeth.kaminski@hsfkramer.com

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

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

RECEIVED

JAN 21 2026

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 Seventh Report.

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

On August 18, 2025, Atlas Turner, Inc., a defendant in *Welch v. Atlas Turner, Inc.* (Appellate Case No. 2023-0010096, South Carolina Supreme Court, May 21, 2025) petitioned the United States Supreme Court for a Writ of Certiorari asking that the Supreme Court review this Court's decision in *Welch*. On January 12, 2026, the United States Supreme Court emailed the parties and made a docket entry denying Atlas Turner's petition. This Court's final opinion in *Welch v. Atlas Turner, Inc.* has now been completely confirmed.

This Court has now set for oral argument the matter of *Tibbs v. 3M and Cape by its Receiver v. Anglo American*, et al., of which the Altrad Entities and Charter, ESAB, and Central Mining are the remaining Appellants, for February 25, 2026. Meanwhile, I am continuing to manage an Asbestos trial docket in which Cape, Anglo, Altrad, Charter, ESAB, and Central Mining are often Defendants. I am moving ahead with trial or settlement resolution of other defendants, and holding the Cape etc. Defendants in abeyance unless settlements are proposed for my approval. The Court's opinion in the *Tibbs* matter will be very helpful in moving these matters toward resolution.

On January 15, 2026, the Supreme Court again denied a Petition for Rehearing by the Altrad, Charter, ESAB, and Central Mining entities, and specifically provided that approval of settlement agreements should proceed in the normal course. This has been very helpful to me in continuing to administer the Asbestos trial docket and to consider proposed settlements in the normal course.

Respectfully submitted,



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

Dated January 21, 2026
Columbia, South Carolina