

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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**RECEIVED**

**Feb 04 2026**

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

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**S.C. SUPREME COURT**

Civil Action No. 2023-CP-40-01759

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Appellate Case Nos. 2024-001423 and 2024-001499

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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; 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

Mohed Altrad, Altrad Investment Authority SAS, Charter Consolidated Ltd., ESAB Corporation, and Central Mining & Investment Corporation Ltd. are the

Petitioners.

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**THIRD MOTION FOR LEAVE TO SUPPLEMENT MOTION FOR SANCTIONS AS TO  
MOHED ALTRAD AND ALTRAD INVESTMENT AUTHORITY S.A.S.**

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The Receiver hereby respectfully requests leave from this Court to file the attached exhibits as a third supplement to the Receiver’s pending Motion for Sanctions in the above-referenced appeals which are currently held in abeyance.<sup>1</sup>

These exhibits detail a new aspect of the Altrad Appellants’ litigation avoidance plan, which is in addition to the pursuit of foreign litigation to threaten the Receiver for carrying out the duties assigned to him by the circuit court, to intimidate other parties properly before South Carolina courts, and to prevent the South Carolina Receiver from prosecuting (and settling) South Carolina claims and establishing a Qualified Settlement Fund to benefit injured South Carolinians. The Altrad Appellants continue to selectively participate in the South Carolina court systems—this time to engage private investigators to execute a comprehensive surveillance plan; the details of which are set forth in communications and other documents recently obtained through third-party subpoenas. (See attached exemplar Subpoena “Exhibit A” and Redacted Subpoenas Responses Excerpts “Exhibits B, C, and D”). These activities between the Altrad Appellants’ counsel<sup>2</sup> and South Carolina investigators occurred in the weeks leading up to and during the trial of this case which began on October 20, 2025.

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<sup>1</sup> On November 20, 2025, the Court issued an Order in Appellate Case Nos. 2025-002120 and 2025-002121 holding Petitioners’ “petitions for writs of prohibition and for common law writs of certiorari in abeyance, hold[ing] all other pending matters involving the parties including any motions for sanctions and motions to supplement-in abeyance, and certify[ing] Appellate Case No. 2025-002104 to this Court pursuant to Rule 204(b), SCACR.” The Court further held: “The circuit court may continue in the normal course of the asbestos litigation before it, including the filing of and decisions on motions to approve settlement agreements. Notwithstanding the foregoing, the current pending bench trial is hereby stayed pursuant to Rule 241(a), SCACR.” The certified appeal has been briefed and is scheduled for oral argument on February 25, 2026.

<sup>2</sup> Previous filings in the UK shed light on the international (and as seen here, at times extra-judicial) efforts to frustrate the administration of justice in South Carolina. (See attached Altrad’s UK-filed billing records attached as “Exhibit E” and “Exhibit F” (at entry 528).

Therefore, the Receiver requests leave to apprise the Court of the additional actions related to his motion and requests the Court accept the attached exhibits as a supplement to his previously filed Motion for Sanctions.

By: /s/ Jonathan M. Robinson

Jonathan M. Robinson, SC Bar No. 68285  
SMITH ROBINSON, LLC  
3200 Devine Street  
Columbia, SC 29205  
803-254-5445  
jon.robinson@smithrobinsonlaw.com

John T. Lay, Jr., SC Bar No. 64526  
Gray T. Culbreath, SC Bar No. 11907  
Lindsay A. Joyner, SC Bar No. 77437  
Eleanor L. Jones, SC Bar No. 104678  
GALLIVAN, WHITE & BOYD, P.A.  
1201 Main Street, Suite 1200  
PO Box 7368 (29202)  
Columbia, SC 29201  
jlay@gwblawfirm.com  
gculbreath@gwblawfirm.com  
ljoyner@gwblawfirm.com  
ejones@gwblawfirm.com  
(803) 779-1833

Lauren McCulloch Semlinger  
MORGAN, LEWIS & BOCKIUS LLP  
1000 Louisiana St., Suite 4000  
Houston, TX 77002

lauren.semlinger@morganlewis.com  
(713) 890-5467

Paul A. Scrudato  
MORGAN, LEWIS & BOCKIUS LLP  
101 Park Avenue  
New York, NY 10178  
paul.scrudato@morganlewis.com  
(212) 309-6000

*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*

February 4, 2026  
Columbia, South Carolina