

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

Feb 11 2026

S.C. SUPREME COURT

Appeal from Richland County

Court of Common Pleas

The Honorable Jean H. Toal, Circuit Court Judge

Civil Action No. 2023-CP-40-01759

Appellate Case Nos.: 2025-002104

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

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., Arran Co US, LLC, Sparrows Offshore, LLC, and The Sparrows Group, LLC
..... THIRD-PARTY DEFENDANTS,

Of which Charter Consolidated Ltd., ESAB Corporation, and Central Mining & Investment Corporation Ltd.; Mohed Altrad; and Altrad Investment Authority SAS are theAPPELLANTS

PROOF OF SERVICE

I hereby certify that on the below date, I have caused Beattie B. Ashmore, P.A.'s Notice of Motion and Motion for Leave to File *Amicus Curiae* Brief and Beattie B. Ashmore, P.A.'s *Amicus Curiae* Brief to be submitted via email for filing with the South Carolina Supreme Court and have

served a true and correct copy of the same on all other parties to this appeal, by email to their following counsel of record:

South Carolina Supreme Court Filings
suptcfilings@sccourts.org

Matthew Todd Carroll
todd.carroll@wbd-us.com

Kevin A. Hall
Kevin.hall@wbd-us.com

Mary Elizabeth O'Neill
Elizabeth.oneill@wbd-us.com

A. Victor Rawl, Jr.
Vrawl@grsm.com

William James Blount
wblount@grsm.com

Gray Thomas Culbreath
gculbreath@gwblawfirm.com

Lindsay Anne Joyner
ljoyner@gwblawfirm.com

Eleanor L. Jones
ejones@gwblawfirm.com

Troy S. Brown
Troy.brown@morganlewis.com

Lauren McCulloch Semlinger
Lauren.semlinger@morganlewis.com

Paul A. Scrudato
Paul.scrudato@morganlewis.com

George Murrell Smith, Jr.
murrell@smithrobinsonlaw.com

Theile Branham McVey
tmcvey@kassellaw.com

John D. Kassel

jkassel@kassellaw.com

Jamie Rae Rutkoski
jrutkoski@kassellaw.com

Charles William Braham, III
tbranham@dobslegal.com

Kevin W. Paul
kpaul@dobslegal.com

David Christopher Humen
dhumen@dobslegal.com

Joshua Drew Cagle
jcagle@mrhfmlaw.com

Kush A. Shukla
kush@mwinjurylaw.com

James Ledlie
jledlie@motleyrice.com

Jenna Brooke Kiziah McGee
jennamcgee@parkerpoe.com

Kenneth J. Wilson
kwilson@rpwb.com

John T. Lay, Jr.
jlay@gwblawfirm.com

Olesya V. Bracey
obracey@gwblawfirm.com

Jonathan M. Robinson
Jon.robinson@smithrobinsonlaw.com

Shanon N. Peake
shanonp@smithrobinsonlaw.com

Troy S. Brown
Troy.brown@morganlewis.com

Wesley B. Sawyer
Wsawyer@murphygrantland.com

This 11th day of February, 2026

Respectfully Submitted,

/s/ Beattie B. Ashmore

Beattie B. Ashmore

SC Bar No. 10419

650 East Washington Street

Greenville, SC 29601

(864) 467-1001 Office

(864) 672-1406 Fax

Beattie@BeattieAshmore.com