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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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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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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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**THE RECEIVER’S REPLY IN SUPPORT OF 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 submits this short reply to Mohed Altrad and Altrad Investment Authority S.A.S.’s Response to the Receiver’s Third Motion to Supplement the Motion for Sanctions.

The Receiver filed a concise three-paragraph procedural motion requesting leave to provide this Court with evidence of the Altrad Appellants' efforts to hire private investigators in South Carolina. Cognizant of this Court's admonitions against "sniping" and of its obligation to provide the newly discovered material relevant to the issue under consideration by the Court, the Receiver provided the supplemental documents for the Court's consideration and allowed those documents to speak for themselves. The response filed by the Altrad Appellants is telling, both for what it says -- but even more so for what it does not say.

1. The Receiver's motion for sanctions is directed toward the Altrad parties. Notably missing from the Altrad Appellants' filings is any response on behalf of the Altrad Appellants themselves. Instead, the response contains a vigorous defense only by, and on behalf of, Altrad's South Carolina counsel as to their role, or lack thereof, in the venture to retain investigators. Remarkably, the response focuses on accusations that, as of yet, have not been levied against the Altrad Appellants' South Carolina counsel.
2. The lengthy response does not deny (or even address) the fact that the Altrad Appellants have attempted to reach into South Carolina to hire private investigators in South Carolina while at the same time the Altrad parties refuse to participate in South Carolina litigation based on its unsuccessful argument that the Altrad parties are not subject to jurisdiction in South Carolina.
3. The lengthy response does not acknowledge the fact that Baker & McKenzie, the law firm engaged to retain private investigators in South Carolina, represents the Altrad Appellants in connection with the South Carolina receivership. *See* Attachments E and F to Third Motion for Leave (billing records submitted to support judgments in England reflecting work by "BM" and "Baker & McKenzie" against Mr. Protopapas personally for acting as the court-appointed receiver).
4. The response makes a point to deny that three Womble lawyers knew about Mr. Finley's efforts, as a partner at Baker & McKenzie, to hire private investigators in South Carolina. However, the response does not address whether these or other lawyers at the Womble firm have been aware of other lawyers at Baker & McKenzie's efforts to hire private investigators in South Carolina. Although not privy to these communications (and unable to conduct discovery in South Carolina due to Appellants' refusal to participate), the Receiver does know that the Altrad Appellants' counsel in Europe has been coordinating with "BM" and its South Carolina counsel about something. That something involves this South Carolina receivership for which Altrad's UK counsel has sought to hold Mr. Protopapas personally and financially responsible. *See* Exhibit Attachments E and F to Third Motion for Leave (billing records submitted to support judgments against the receiver in England reflecting

coordination with SC counsel and “BM”). The Receiver is unaware of any “South Carolina counsel” other than those of record in this case.

5. The Altrad response attempts to characterize their reaching into South Carolina to initiate investigatory actions as a “routine” inquiry, but there is nothing routine (or appropriate) about a foreign company’s commissioning an extra-judicial investigation into South Carolina litigants, counsel, court personnel, and judges. The communications between Mr. Finley and the South Carolina investigator, including the proposed scope of the investigation—into the “South Carolina Judicial System & Asbestos Litigation Analysis Executive Overview” and links to disparaging articles about the South Carolina judiciary—, belies the Altrad Appellants’ characterization of the investigation as a “routine” investigation into “potential federal claims relating to the Receiver’s conduct.” *See, e.g.*, Return at 3.
6. Putting aside the irony of this conduct coming from litigants that contend they are not subject to jurisdiction in South Carolina, this type of surveillance is not appropriate in any situation – but it is particularly troubling here because of the Altrad Appellants’ long history of obstructing South Carolina Courts by forum shopping on foreign soil and intimidating the Receiver and other third parties with both civil and criminal liability.
7. The Altrad Appellants’ response does not indicate they have not retained an investigator or will never retain an investigator. Instead, their counsel simply testifies he and others at his firm have not, as of the date of the affidavit, retained an investigator in “this case.” The communications between Mr. Finley and the South Carolina investigator show the Altrad Appellants were interested in revisiting “the assignment” in January. *See* Attachment C to the Receiver’s Third Motion for Leave.
8. The Altrad Appellants did solicit the investigation during trial. Trial began in the *Tibbs* case on October 20, 2025, and recessed on October 22, 2025, to be reconvened at a later date. (ROA pp. 7433–35.) The circuit court scheduled trial to resume on November 12, 2025, but moved it to December 4, 2025, following a request from the Altrad Appellants’ counsel due to scheduling conflicts. This Court issued an order staying the trial on November 20, 2025. Trial was still ongoing during the communications at the beginning of November 2025.
9. The efforts to cast aspersions on the Receiver for his pursuit of litigation activities in accordance with his court-appointed duties under South Carolina law are inappropriate and an attempt to detract from the Altrad Appellants’ conduct. Many of the lawsuits filed by the Receiver referenced in the submission were related to various law firms’ refusal to produce documents to the Receiver despite the circuit court’s orders. *See, e.g.*, 2023-CP-40-02034, 2021-CP-40-02727, 2023-CP-40-03540, 2021-CP-40-00779, and 2021-CP-40-03469. The Receiver routinely requests files from former counsel to assist with his investigation of potential insurance assets and to help ascertain from historical records where the entity in receivership performed work or delivered product. The Receiver is often met with resistance from various entities in his attempts to gather

information. For example, in this case, Ran Oren, on behalf of CIHL, wrote—on Altrad letterhead—to insurers who received subpoenas from the Receiver and directed the insurers not to respond. (Appendix to Motion for Sanctions pp. 249–56.) Other actions referenced in the affidavit were pursued on behalf of the companies in receivership related to claims of those companies against the law firms related to prior representation or seeking declarations from the circuit court. *See, e.g.*, 2019-CP-40-02285, 2024-CP-40-05397, 2023-CP-40-05203.

10. The representations made in the Altrad Appellants’ submission related to the Receiver’s litigation activity in other unrelated receiverships are incomplete and misleading. The Receiver did not file a lawsuit against Gallivan, White & Boyd in Case No. 2017-CP-42-04429. While the company in receivership had potential claim(s) against the firm for its prior representation, those claims were resolved before filing suit.
11. The Receiver takes seeking sanctions seriously. Since 2021, this Court has warned litigants involved in the asbestos docket that continued conduct taken since 2020 would result in sanctions. *See Order, Finch v. United States Fidelity and Guaranty Co.*, Appellate Case No. 2020-001670 (filed Mar. 9, 2021) (cautioning any “action taken for the purpose of delaying the disposition of this case will, under appropriate circumstances, merit the imposition of sanctions”). However, despite that warning, the conduct has continued, leading to additional warnings by the Court of Appeals and this Court in 2024 and 2025. *See Order, Childers*, Appellate Case No. 2023-000727 (Ct. App., filed Feb. 14, 2024) (noting “any further actions by any party taken for the purpose of delay during the pendency of this appeal may result in sanctions pursuant to Rule 269, SCACR”)<sup>1</sup>; *Order, Tibbs*, Appellate Case Nos. 2024-001426, 2024-001499, 2024-000916, 2024-002114, 2024-002116, 2024-002117, 2025-000052 (filed June 26, 2025) (noting “any further frivolous appeals in these cases from interlocutory orders that are not immediately appealable will result in sanctions”).

Accordingly, the Receiver requests the Court grant his Third Motion and consider the attachments as a supplement to his previously filed Motion for Sanctions.

*(Signature page follows)*

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<sup>1</sup> This order denying the Receiver’s Motion for Sanctions in the *Childers* appeal was vacated by this Court when it certified and dismissed the *Childers* appeal as interlocutory. *See Order, Childers*, Appellate Case No. 2023-000727 (filed Mar. 27, 2024).

By: /s/ Jonathan M. Robinson

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Company Limited, n/k/a Cape Intermediate Holdings  
Ltd. by and through its duly appointed Receiver  
Peter D. Protopapas*

February 20, 2026  
Columbia, South Carolina