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Feb 24 2026

S.C. SUPREME COURT

EXHIBIT 1

The Supreme Court of South Carolina

ORDER

Pursuant to the provisions of Article V, Section 4 of the South Carolina Constitution,

IT IS ORDERED that the Honorable Jean Hoefler Toal, retired Chief Justice of the Supreme Court, is hereby appointed to serve as the Chief Judge for Administrative Purposes over all asbestosis and asbestos litigation filed within the state court system.

Justice Toal is authorized, on a statewide basis, to monitor the progress of the asbestosis and asbestos litigation docket, conduct pretrial hearings including motions hearings, issue scheduling orders, grant continuances when requested by counsel for good and sufficient legal cause, resolve scheduling conflicts, and address additional administrative matters as necessary. This authority also includes the ability to assign individual cases to the Honorable Carmen T. Mullen and the Honorable William H. Seals, Jr., and to perform such other duties as appropriate in her role as Chief Judge for Administrative Purposes over these matters.

In addition to their other duties as circuit court judges, Judges Carmen T. Mullen and William H. Seals, Jr. shall preside over asbestosis and asbestos litigation as assigned by Justice Toal, and shall retain jurisdiction over any assigned cases regardless of where they are assigned to hold court and may schedule such hearings as may be necessary at any time without regard as to whether there is

a term of court scheduled.

IT IS FURTHER ORDERED that for administrative purposes and convenience, upon the filing of a new action involving asbestosis and asbestos litigation, the clerk of court shall notify Justice Toal, via email, of such filing within five business days. This notification shall include case caption and docket number, as well as the name of the attorney or party signing the pleadings. Justice Toal shall then direct the clerk of court as to the preferred method for transmitting the pleadings and additional filings.

This order shall remain in effect until amended or rescinded by the Chief Justice.

s/Donald W.
Beatty
Donald W. Beatty
Chief Justice of South Carolina

Columbia, South Carolina
May 28, 2019

EXHIBIT 2



Search documents in this case:

Search

No. 25-213

Title: **Atlas Turner, Inc., Petitioner**
v.
Donna B. Welch, Individually and as Personal Representative of the Estate of Melvin G. Welch, Deceased, et al.

Docketed: August 21, 2025

Lower Ct: Supreme Court of South Carolina

Case Numbers: (2023-001096)

Decision Date: May 21, 2025

Proceedings and Orders

Aug 18 2025 Petition for a writ of certiorari filed. (Response due September 22, 2025)
Petition Certificate of Word Count Proof of Service

Sep 08 2025 Waiver of right of respondent Donna B. Welch to respond filed.
Main Document

Sep 22 2025 Waiver of right of respondent Peter D. Protopapas, in his capacity as Receiver for Atlas Turner, Inc. to respond filed.
Main Document

Sep 22 2025 Brief amicus curiae of National Union Fire Insurance Company of Pittsburgh, PA filed.
Main Document Proof of Service Certificate of Word Count

Sep 22 2025 Brief amici curiae of Chamber of Commerce of the United States, et al. filed.
Main Document Certificate of Word Count Proof of Service

Sep 22 2025	Brief amici curiae of American Tort Reform Association, et al. filed. Main Document Proof of Service Certificate of Word Count
Oct 01 2025	DISTRIBUTED for Conference of 10/17/2025.
Oct 08 2025	Response Requested. (Due November 7, 2025)
Oct 15 2025	Motion to extend the time to file a response from November 7, 2025 to December 8, 2025, submitted to The Clerk. Main Document
Oct 16 2025	Motion to extend the time to file a response is granted and the time is extended to and including December 8, 2025, for all respondents.
Dec 08 2025	Brief of respondent Donna B. Welch in opposition filed. Main Document Proof of Service Certificate of Word Count
Dec 08 2025	Brief of respondent Peter D. Protopapas, in his capacity as Receiver for Atlas Turner, Inc., in opposition filed. Main Document Proof of Service Certificate of Word Count
Dec 19 2025	Reply of petitioner Atlas Turner, Inc. filed. (Distributed) Main Document Proof of Service Certificate of Word Count
Dec 23 2025	DISTRIBUTED for Conference of 1/9/2026.
Jan 12 2026	Petition DENIED. Justice Alito took no part in the consideration or decision of this petition.

Attorneys

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Party name: National Union Fire Insurance Company of Pittsburgh, PA

EXHIBIT 3

STATE OF SOUTH CAROLINA)	
)	COURT OF COMMON PLEAS
County of Richland)	2022-CP-40-03834
)	
)	
MELVIN G. WELCH and)	
DONNA B. WELCH,)	
)	
PLAINTIFFS,)	
)	
vs.)	TRANSCRIPT OF RECORD
)	
3M COMPANY)	
ACCEL PERFORMANCE GROUP, LLC,)	
ADVANCE AUTO PARTS, INC.,)	
AMERICAN HONDA MOTOR CO., INC.))	
ATLAS ASBESTOS CO,)	
ATLAS TURNER, INC.,)	
AUTOZONE, INC.,)	
BAHNSON, INC.,)	
BEATY INVESTMENTS, INC.,)	
BELDEN INC.,)	
BELDEN WIRE & CABLE COMPANY,)	
BRIDGESTONE AMERICAS TIRE,)	
OPERATIONS, LLC,)	
CAROLINA TOOL COMPANY,)	
COPELAND CORPORATION, LLC,)	
COVIL CORPORATION,)	
DANIEL INTERNATIONAL)	
CORPORATION, DAVIS MECHANICAL)	
CONTRACTORS, INC.,)	
DCO, LLC, EATON CORPORATION)	
ELLINGTON INSULATION COMPANY,)	
INC., FISHER CONTROLS)	
INTERNATIONAL, LLC,)	
FLUOR CONSTRUCTORS,)	
INTERNATIONAL,)	
FLUOR CONSTRUCTORS)	
INTERNATIONAL, INC.,)	
FLUOR DANIEL SERVICES)	
CORPORATION, FLUOR)	
ENTERPRISES, INC.,)	
FORD MOTOR COMPANY,)	
GENERAL ELECTRIC COMPANY,)	
GENERAL PARTS, INC.,)	
GENUINE PARTS COMPANY,)	
GOODRICH CORPORATION,)	
THE GOODYEAR TIRE & RUBBER)	
COMPANY, GRAYBAR ELECTRIC)	
COMPANY, INC., HEAT & FROST)	

INSULATION COMPANY, INC.,)
HENNESSY INDUSTRIES, LLC,)
HONEYWELL INTERNATIONAL, INC.)
INDUSTRIAL HOLDINGS)
CORPORATION JOHNSON CONTROLS,)
INC., MERITOR, INC.,)
METROPOLITAN LIFE INSURANCE)
COMPANY, MORSE TEC, LLC,)
MW CUSTOM PAPERS, LLC,)
OCCIDENTAL CHEMICAL)
CORPORATION, O'REILLY AUTO)
ENTERPRISES, LLC,)
O'REILLY AUTOMOTIVE STORES,)
INC., PARAMOUNT GLOBAL,)
PFIZER, INC., PHARMACIA, LLC,)
PIEDMONT INSULATION, INC.,)
PNEUMO ABEX, LLC,)
REDCO CORPORATION, RILEY)
POWER, INC., ROCKWELL)
AUTOMATION, INC.,)
RUST ENGINEERING &)
CONSTRUCTION, INC.,)
RUST INTERNATIONAL, INC.,)
SAINT-GOBAIN ABRASIVES, INC.,)
SCHNEIDER ELECTRIC USA, INC.,)
SOUTHERN INSULATION, INC.,)
SPIRAX SARCO, INC.,)
UNION CARBIDE CORPORATION,)
VISTRA INTERMEDIATE COMPANY,)
LLC,)
WESTROCK MWV, LLC,)
WIND UP, LTD.,)
ZF ACTIVE SAFETY US, INC,)
DEFENDANTS,)

May 4, 2023
Columbia, South Carolina

BEFORE:

THE HONORABLE JEAN TOAL, JUDGE.

APPEARANCES:

THEILE MCVEY, ESQ.
Attorney for the Plaintiffs

DAVID TRAYLOR, ESQ.
WILLIAM WOOD, ESQ.
ROBERT MERIWETHER, ESQ.
Attorneys for the Defendants Atlas Turner

KAREN AMBROZIAK
Official Court Reporter

C O N T E N T S

INDEX OF EXHIBITS:

(There were no exhibits introduced.)

INDEX OF WITNESSES:

(There were no witnesses called.)

1 THE COURT: This morning we have the matter of Melvin
2 G. Welch and Donna Welch against 3M. This is
3 2022-CP-40-03834.

4 All right. This morning is a status conference on
5 the status of defendant Atlas Turner, Inc., and certain
6 hearings were held with respect to motions for summary
7 judgment with respect to Atlas and issues regarding its
8 cooperation with the procedure and its presence in this
9 case.

10 Mr. Meriwether and Mr. Traylor are here on behalf of
11 Atlas, and Ms. McVey is here on behalf of the Welch
12 family. So Ms. McVey, I'm going to give it to you.

13 MS. MCVEY: Thank you, Your Honor. I'm going to talk
14 loud, but if you need me to talk louder because of that
15 noise, let me know.

16 Judge, you accurately recited the history. Just by
17 way of further background, you recall that you heard both
18 Atlas' motion to dismiss for lack of personal jurisdiction
19 and a motion for summary judgment, as well as our motion
20 to compel.

21 You denied both of Atlas' motions and granted our
22 motion to compel. What Atlas had decided was that they
23 did not believe there was personal jurisdiction despite
24 sales of asbestos products in South Carolina. You -- so
25 they refused to participate in discovery.

1 After you denied their motion to dismiss and motion
2 for summary judgment and granted our motion to compel, you
3 ordered them to produce a witness for a 30(b)(6)
4 deposition. That notice had been pending for some time on
5 the Monday following that trial.

6 We offered to even give them an additional two weeks
7 to produce a witness, if they were going to produce that
8 witness. Mr. -- I've been communicating with both
9 Mr. Traylor and Mr. Meriwether, and let me be clear that I
10 do not believe that Atlas' failure to produce a witness is
11 in any way to do with these lawyers.

12 THE COURT: I agree with that and so find on the
13 record. Mr. Traylor and Mr. Meriwether have -- their firm
14 has been engaged to represent this client, and they have
15 decidedly tried to communicate with them about this
16 matter and their presence.

17 MS. MCVEY: But, Your Honor, my understanding -- and
18 I'm sure Mr. Traylor and Mr. Meriwether can clarify is
19 that Atlas is going to refuse to participate in any
20 discovery either deposition or written discovery, and Your
21 Honor, they are going to and have defied your order.

22 Parties to litigation just cannot do that. It's not
23 the way our system is set up, and you can imagine the
24 chaos that would ensue if every defendant behaved like
25 Atlas is currently behaving.

1 Your Honor, at this point because of the multiple
2 violations of your order, we would ask that you hold them
3 in contempt, Atlas, of course, not these lawyers. I would
4 like to submit proposed orders to you outlining what we
5 would like. That may include striking an answer. It may
6 include striking an answer and appointing a receiver.

7 We would like to figure out what assets they have.
8 We would like to a damages hearing. I want to be able to
9 brief it to you and make sure we are asking for
10 appropriate things, but the purpose of the status
11 conference today, of course, is to really figure out are
12 they going to comply with your order. I don't think they
13 are. They certainly have not yet.

14 They are already in violation of your order, Your
15 Honor. So we would ask that a contempt finding be made
16 against Atlas Asbestos Corporation and Atlas Turner for
17 their refusal to engage in this lawsuit.

18 THE COURT: All right. Thank you, Ms. McVey.

19 Mr. Traylor? Mr. Traylor.

20 MR. TRAYLOR: Yes.

21 THE COURT: Both you and I have hearing deficits and
22 both wear hearing aids. I am well aware of that, so be
23 very sure that we are communicating because my sympathies
24 lie completely with you. We both have the same issues, so
25 be sure that we're all communicating such that you have

1 complete information about what's being said.

2 MR. TRAYLOR: Thank you, Your Honor. David Traylor
3 on behalf of Atlas Turner, Inc. on behalf of itself and
4 Atlas Asbestos Company.

5 Your Honor, I appreciate your sympathy with my
6 hearing aids. I'm still getting used to them. It's like
7 an echo for me. I don't know whether I'm talking too loud
8 or talking too softly.

9 THE COURT: Well, if it's any comfort to you, I --
10 because of too much penicillin as a child with head
11 infections which attacked the 8th cranial nerve have been
12 wearing hearing aids since my 30s, and I am now 79.

13 I am deeply sympathetic, but the technology has
14 gotten way better than it was when I first started wearing
15 hearing aids when it was just one piece of chewing gum in
16 one ear which didn't do much of anything except amplifying
17 everything, but you just be sure that everything goes
18 according to your understanding in this hearing and have
19 my complete cooperation in that.

20 MR. TRAYLOR: Thank you, Your Honor.

21 I want to, I guess, start by saying, you know, I am
22 always willing to communicate with the client to see if --
23 you know, what they can do.

24 As far as -- I need to state that they do feel
25 strongly about their jurisdictional motion, and also they

1 are a corporation in Quebec, Canada. They have to balance
2 the law in Canada in Quebec and the American discovery
3 rules and that and I understand. I would ask at least the
4 Court consider the fact that they are subject to the
5 Quebec Business Concerns Records Act.

6 As far as the motions and what the plaintiffs end up
7 filing, I just -- I'm not sure. And maybe I didn't hear
8 it properly, but I don't remember that the plaintiffs
9 filed a motion to compel. I'll just cite that for the
10 record, and you know, what I can say is that I am willing
11 to continue to communicate with the client.

12 I would like opportunities to respond or at least
13 have written motions at some point that we can respond to,
14 and I would also make one point. I just -- from a point
15 of personal request or note, I guess on the record -- or I
16 hate to put it on the record, but I do have a vacation
17 where I'm supposed to take my wife to Florida to visit her
18 mother who is 97 years old for Mothers Day. I'm leaving
19 on May 12th and coming back on the 19th.

20 I would respectfully request that, you know, before
21 any motions are filed that I be given an opportunity for
22 that. I just -- and I understand -- you know, I'll have
23 to deal with what I have to deal either way. Other than
24 that, I think I'll just rely on the prior filings that we
25 have made, Your Honor.

1 THE COURT: All right. Well, let me first say this.
2 This case is scheduled for trial when, Ms. McVey?

3 MS. MCVEY: In August, the August block.

4 THE COURT: This case is scheduled for trial in
5 August, and the deadlines we're hitting now are the
6 ordinary deadlines pursuant to Judge Gary Hill's old
7 order.

8 We filed asbestos litigation -- as you are very well
9 aware because you're experienced in this area for years.
10 I have ruled that their jurisdictional argument does not
11 prevail, and therefore, they are within the jurisdiction
12 of this court.

13 They have had a long business history of selling
14 asbestos products in this country that have found their
15 way into every state of the union. This is not an
16 inexperienced company at all. It's a very experienced
17 company that depends heavily on the American market for
18 the sale of their products.

19 I can't conceive that they have been permitted in
20 every state of the union that had very similar
21 jurisdictional rules to the rules of South Carolina to
22 simply say we're not going to cooperate with your court
23 process because we're a Quebec corporation. That simply
24 is not an adequate excuse for their failure to cooperate.

25 They haven't filed anything other than their

1 jurisdictional motion, but the discovery issues have been
2 ongoing. They have been noticed for a good long time that
3 the deposition of their corporate representative needed to
4 be taken.

5 They can't just not respond to that and say hey
6 because I've got a motion pending about jurisdiction, I'm
7 not going to cooperate with discovery. That's not how our
8 system works, and they have not cooperated in any way with
9 discovery.

10 So now we come up to a point where we move in the
11 process of our deadlines pretrial for trying these types
12 of complicated cases to a point where their corporate rep,
13 they have refused to tender their corporate representative
14 for a deposition. That can't -- I can't allow that to
15 happen.

16 This is a pending case. It hasn't been dismissed as
17 to them. Their jurisdictional matter has been determined,
18 and they must cooperate. It's just that simple.

19 Now, certainly, I will give you protection for
20 May 12th through the 19th, but I will simply say to you it
21 comes very late in the process to suddenly interpose that
22 on Atlas' behalf when they have asked you to convey to me
23 today that they are not going to cooperate. That's what I
24 hear you saying.

25 MR. TRAYLOR: Your Honor --

1 THE COURT: And, you know, you've gotten
2 Mr. Meriwether as your co-counsel. You're fully able to
3 handle these matters, so that's the dilemma I find myself
4 in, Mr. Traylor. If you have any response to that, I
5 would love to hear it.

6 MR. TRAYLOR: Well, I would at least -- I would
7 appreciate the opportunity, and I believe we would be
8 entitled to make -- if the plaintiffs file various
9 motions, we would be entitled to have appropriate time to
10 respond, you know.

11 THE COURT: Which motion are you talking about?

12 MR. TRAYLOR: Well, I guess it really just depends on
13 what motions they file.

14 THE COURT: Well, right now what they've asked me to
15 do is to hold you all in contempt because I ordered the
16 taking of the corporate reps deposition the Monday after
17 we had that hearing and they did not comply with that.

18 In fact, I was sent word that they were not going to
19 comply with that; that they were not going to tender a
20 corporate rep, not then or at any other time that was
21 suggested because Ms. McVey suggested in open court it
22 could be Monday or it could be at some other time that was
23 mutually agreeable.

24 As what I understand she is saying today is that you
25 all are not authorized -- it's not your fault, but you

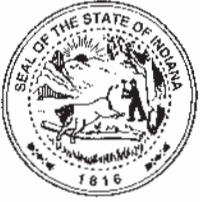
1 were not authorized by the client to agree to any date
2 because they take the position they are not subject to the
3 jurisdiction of this court, but they are subject to the
4 jurisdiction of this court. I've made that determination.

5 So now we're dealing first with what to do with their
6 failure and their affirmative refusal to tender the
7 corporate representative, and I'm asked today to find that
8 that conduct is in contempt of my order, which it
9 certainly is, and Ms. McVey says upon the finding of
10 contempt, she will then file a motion for sanctions which
11 is yet to be filed. But she was giving you a preview for
12 what she would intend to put in a motion for sanctions,
13 and that would include such things as summary judgment.
14 That would also include such things as striking the
15 answer. That would also include such things as appointing
16 a state receiver.

17 I have granted that kind of relief in a lot of
18 different cases, some involving defendants who are
19 incorporated in South Carolina and some involving
20 defendants who are not incorporated in South Carolina but
21 who have done business in South Carolina, put into the
22 stream of commerce materials that are used in South
23 Carolina. And on that basis, we have jurisdiction here.
24 That's what I've determined.

25 Now, you're not -- you do not need to respond today

EXHIBIT 4



David C. Lewis
Clerk

CLERK

SUPREME COURT, COURT OF APPEALS, AND TAX COURT STATE OF INDIANA

217 STATE HOUSE, INDIANAPOLIS, IN 46204
317-232-1930 • FAX 317-232-8365



Cause Number

KENNETH JOHNSON
MARION SUPERIOR CT. CIV.2
W-443 CITY-COUNTY BLDG.
INDIANAPOLIS, IN 46204

49S00-0410-SJ-00460
Lower Court Number:
49D029801MI1249

IN RE: MARION COUNTY MASS TORT LITIGATION

You are hereby notified that the

has on this day

SUPREME COURT

6/06/05

ISSUED THE ENCLOSED ORDER:

WITNESS my name and the seal of said Court,

this day of

6TH JUNE, 2005

Clerk, Supreme Court, Court of Appeals and Tax Court



In the
Indiana Supreme Court

IN RE MARION COUNTY)
MASS TORT LITIGATION)
)
)

Supreme Court No. 49S00-0410-SJ-460
Case No. 49D02-9501-MI-1
in the Marion Superior Court, Civil Div. 2

ORDER DENYING PETITION AND REMANDING TO TRIAL COURT

On July 30, 2004, the Executive Committee of the Marion Superior Court, pursuant to IC 33-33-49-14(b), ordered the filing of all silica and silica-related personal injury cases in Marion Superior Court Two, Civil Division. That court is also addressing 1,923 asbestos related cases and has developed and implemented procedures designed to facilitate filings, notices and other steps in cases involving very large numbers of parties.

Some of the several defendants in the approximately forty silica cases filed motions for change of judge in forty of those cases pursuant to Ind.Trial Rule 76(B). On February 17, 2005, Marion Superior Court Two, Civil Division, the Honorable Kenneth H. Johnson, filed a petition: 1) asking this Court to grant an exemption from the application of the automatic change of judge provisions of Ind.Trial Rule 76(B) in relation to the silica cases pending in that court, and 2) asking this Court to deny the motions for change of judge pending in those cases. At the request of the defendants and the plaintiffs in these cases, we permitted the filing of consolidated briefs on the issues presented by the petition. Having considered the petition of the trial court and the briefs of the defendants and plaintiffs, we now conclude that the pending motions should be addressed by the trial court. Accordingly, the petition of the Marion Superior Court Two, Civil Division, should be DENIED and this cause remanded to Judge Johnson for ruling on the pending motions.

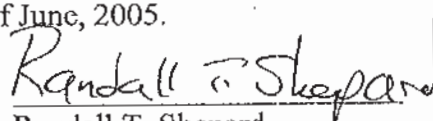
As pointed out by defendants, "[w]hen presented with a timely motion for a change of judge [under Ind.Trial Rule 76(B)], the trial judge is divested of jurisdiction to act in the case on any matter other than the motion for change of judge or emergency matters." (citation omitted) *State ex rel. Wade v. Cass Circuit Court*, 447 N.E.2d 1082, 1083 (Ind. 1983). In an ordinary case a motion under Trial Rule 76(B) presents no issue for the trial court because Ind.Trial Rule 76(B)

directs that a change "shall" be granted. That rule, or its predecessors, predated the advent of multiple claims by large numbers of individual plaintiffs, presenting the courts with the need to administer groups of cases involving common questions of law or fact. Trial Rule 42(A) now recognizes the need for provisions addressing issues of multiparty litigation and specifically calls for special provisions in groups of cases involving "common questions of law or fact." The policies underlying the provisions for addressing large groups of cases can under some circumstances conflict with the policies underlying Trial Rule 76(B). In addition, Trial Rule 1 contemplates interpretation of the Trial Rules to accomplish the speedy and economical administration of justice. The need for procedures to handle lawsuits of a scale not contemplated at the time the Trial Rules were adopted may under some circumstances preclude implementation of the mandate of Trial Rule 76(B). It is therefore necessary to determine whether the automatic application of Ind.Trial Rule 76(B) is appropriate in any situation in which large numbers of cases have been aggregated in a single court based on common issues of law or fact.

In the case of groups of cases involving common issues, the countervailing grounds may preclude granting motions under Trial Rule 76(B) for change of judge. If so, there is no mandatory change of judge under those circumstances. Judge Johnson should address the pending motions, and grant or deny them, in light of the considerations expressed in Trial Rules 1 and 42, as well as IC 33-33-49-14(b). Resolution of any conflict between Trial Rule 76(B) and the need for proper administration of cases involving common questions under Trial Rule 42(A) may turn on a large number of relevant factors best known to the trial court.

IT IS, THEREFORE, ORDERED that the petition of the Marion Superior Court Two, Civil Division, is hereby DENIED, and jurisdiction of these matters is remanded to the Hon. Kenneth H. Johnson to address the pending motions under Trial Rule 76(B).

DONE at Indianapolis, Indiana, this 6th day of June, 2005.


Randall T. Shepard
Chief Justice of Indiana

All Justices concur.

EXHIBIT 5

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

Appellate Case Nos:

2024-001423, 2024-001499, 2024-000916, 2024-002114,
2024-002116, 2024-002117, 2025-000052

ORDER

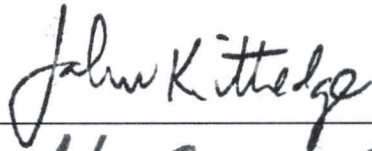
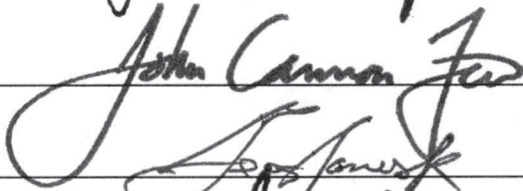

We have before us seven petitions for writs of certiorari filed in this Court under Rule 242 of the South Carolina Appellate Court Rules. Each petition was filed by some combination of Petitioners Mohed Altrad, Altrad Investment Authority SAS, Charter Consolidated Ltd., ESAB Corporation, and Central Mining & Investment Corporation Ltd., and each arises from an order of the court of appeals dismissing an appeal on the ground the order appealed from was not immediately appealable. Each appeal and now each petition challenges some aspect of the circuit court's order appointing Peter D. Protopapas as Receiver for Defendant Cape PLC. We deny the petitions in cases 2024-000916, 2024-002114, 2024-002116, 2024-002117, and 2025-000052. In cases 2024-001423 and 2024-001499, we convert the petitions to common law writs of certiorari, and grant them pursuant to article V, section 5 of the South Carolina Constitution and section 14-3-310 of the South

Carolina Code (2017). We dispense with any briefing and remand the cases to the circuit court for all purposes, specifically including:

- (A) On May 21, this Court filed its opinion in *Welch v. Atlas Turner, Inc*, Op. No. 28284 (S.C. Sup. Ct. filed May 21, 2025) (Howard Adv. Sh. No. 19 at 12). In that opinion, we analyzed the circuit court's jurisdiction to appoint a receiver, discussed the factual basis on which such an order must be based, and set forth limitations on the receiver's scope of authority. We also made it clear that appointing a receiver before judgment is permissible only in the "rarest" and "most extraordinary" cases. We now direct the circuit court to:
- 1) Ensure the receiver has been authorized to conduct its work by an order filed in the specific case as to which the work is to take place. The receiver is not to be authorized to conduct work as to a case in which no receiver appointment order has been filed.
 - 2) Ensure that such an order is based on findings of fact sufficient under *Welch* to justify the order, and that the receiver's scope of authority is limited as set forth in *Welch*.
 - 3) To the extent the circuit court intends to authorize the work of a receiver based on facts not found sufficient in *Welch*, or to authorize a scope of work not approved in *Welch*, the circuit court should make specific findings of fact and conclusions of law the circuit court finds justify its action.
- (B) It has come to our attention there may be motions filed in this case and other asbestos cases that have not been ruled on by the circuit court. Specifically, we understand there is a pending motion to dissolve the receivership filed September 15, 2023, and a pending motion to reconsider a "clarifying" order filed November 15, 2024, both in *Park v. Armstrong International, Inc, et al.*, 2021-CP-40-2727. To the extent that is true, we direct the circuit court to either rule on all pending motions or set forth an explanation of the reasons the court determines it should not rule at this time.
- (C) We ask that the circuit court provide this Court with a report on its progress on matters (A) and (B), including the current status of *Park* and all asbestos cases in which a receiver has been appointed, every 30 days until further order of this Court.

We address one final matter. Over the last few years, the court of appeals and this Court have received dozens of interlocutory appeals in asbestos cases such as this one. In the vast majority of those cases, the court of appeals dismissed the appeal

because the order was not an immediately appealable order, and we denied certiorari because we agreed the dismissal was proper. In fact, many of the appeals from those orders have bordered on frivolous. We will rule at a later time on any currently pending motion for sanctions, and any further frivolous appeals in these cases from interlocutory orders that are not immediately appealable will result in sanctions. In addition, the parties' filings at the court of appeals and this Court have been unnecessarily antagonistic, predominated by what one litigant in these petitions characterized as "sniping" at each other on matters that have nothing to do with the merits of the appeal. No party gains an advantage in the exercise of this inappropriate behavior. This Court and the court of appeals will not tolerate it any further. Appeals will be summarily dismissed, or requested relief will be summarily granted, if any party continues with this inappropriate behavior. Our intention is to reach and address the merits of issues properly before us without the distraction of unnecessary sniping by the lawyers, and if the lawyers persist in this sniping, appropriate sanctions will be imposed.

	C.J.
	J.
	J.
D. Manini	J.

Verdin, J., not participating.

Columbia, South Carolina
June 26, 2025

cc: Matthew Todd Carroll
Kevin A. Hall
Mary Elizabeth O'Neill
Shanon N. Peake
G. Murrell Smith, Jr.
John Thomas Lay, Jr.
Gray Thomas Culbreath
Lindsay Anne Joyner
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Amelia Morgan Farmer
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William James Blount
A. Victor Rawl, Jr.
John S. Nichols
Steven James Pugh
Benjamin Palmer Carlton
Carmen Vaughn Ganjehsani
Ashwin Ray Sanzgiri
John Kenneth Chandler
The Honorable Jeanette W. McBride