

M. Todd Carroll  
Direct Dial: 803.454.7730  
E-mail: todd.carroll@wbd-us.com

RECEIVED

Mar 30 2026

S.C. SUPREME COURT

March 30, 2026

**Via Electronic Filing**

The Honorable Patricia A. Howard  
Clerk of the South Carolina Supreme Court  
supctfilings@sccourts.org

Re: *Tibbs v. Asbestos Corporation Ltd.*  
Appellate Case No. 2025-002104  
Reply to Objections Regarding Notice of Additional Proceedings and  
Supplemental Authorities

Dear Ms. Howard:

We write to provide a very brief reply to the letters in opposition to the Appellants' recent notice of supplemental authority and additional proceedings.

I. Plaintiffs' Counsel's Request for Default Judgment in *Ross*

First, both opposition letters indicate that information about the *Ross* case was publicly available prior to oral argument. No one disputes that. In fact, *Ross* was specifically cited in Footnote 27 of the *Tibbs*' final brief to this Court: "Aside from the immediate *Tibbs* matter, in which the Receiver appeared to defend Cape [plc], Cape has continued its policy of refusing to participate in U.S. litigation. Most recently, Cape [*i.e.*, CIHL] was defaulted via a December 10, 2025 Order of Default for failing to appear in the matter of *Ross v. Ascend Performance Materials*, Richland County, South Carolina case no.: 2024-CP-40-03710. R. 101." (*Tibbs* Response Br. at 26, n.27.)

The Appellants' notice letter pointed out that counsel for the plaintiffs in *Park*, *Tibbs*, and *Ross* are now seeking a **default judgment** against CIHL in *Ross* after telling this Court at oral argument that a default judgment would be useless and citing the ineffectiveness of a judgment as their explanation for why a **prejudgment** receivership was supposedly needed. The request for a default judgment in *Ross* came the week after oral argument, and it significantly undercuts the plaintiffs' explanations to this Court during oral argument, which is why the Appellants brought it to the Court's attention. A copy of that post-oral argument email seeking a damages hearing for a default judgment in *Ross* is attached for this Court's records.

Both opposition letters also express concern that the Appellants' notice letter cited authorities that were already in the parties' briefing. These authorities were aggregated for the Court's benefit following oral argument because some questions about these issues during argument were prefaced with remarks about the parties' briefs being void of authority to support certain arguments. Every argument presented by the Appellants was fully supported by controlling authority, and the Appellants aggregated those authorities in our letter for the Court's benefit in response to specific questions and points raised during argument.

## II. French Proceedings

The Receiver also indicates that counsel for the Altrad Appellants have told this Court and the circuit court conflicting information regarding the exequatur proceedings in France. This is baseless. A copy of correspondence explaining the status of the exequatur proceedings to the circuit court is also attached, and this Court will see that the explanations provided to both courts are the same, including explaining the due process care the French courts provide.

Thank you again for your consideration.

Best regards,

/s/ M. Todd Carroll  
*Counsel for the Altrad Appellants*

/s/ A. Victor Rawl, Jr.  
Gordon Rees Scully Mansukhani, LLP  
*Counsel for the Charter Appellants*  
*(Joining in Section I)*

cc: All Counsel of Record

Attachments: (1) Correspondence to Circuit Court Regarding *Ross*, (2) Correspondence to Circuit Court Regarding French Proceedings