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The Supreme Court of South Carolina

SC SUPREME COURT

JEAN HOEFER TOAL
CHIEF JUSTICE, RETIRED
SENIOR ACTIVE JUDGE

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May 20, 2026

The Hon. Patricia A. Howard
Clerk of Court
South Carolina Supreme Court
1231 Gervais Street
Columbia, SC 29201

Re: John A. Tibbs and Margaret B. Tibbs, Plaintiffs, v. 3M Company, *et al.*, 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., *et al.*, Third-Party Defendants,

Of which Mohed Altrad, Altrad Investment Authority SAS, ArranCo US, LLC, Hawk Bidco
(US) Inc., Sparrows Offshore, LLC, Charter Consolidated Ltd., ESAB Corporation, and
Central Mining & Investment Corporation Ltd. are the Petitioners.

Appellate Case Nos. 2024-001423, 2024-00001499, 2024-000916, 2024-002114, 2024-002116,
2024-002117, 2025-000052

Dear Ms. Howard:

The above-captioned matter was remanded to me by the Supreme Court of South Carolina
on June 26, 2025, with directives by the Supreme Court.

I hereby file my Eleventh Report to the Supreme Court as directed by the Tibbs Remand
Order as of May 20, 2026.

I will continue to report my progress on this matter to the Court, and welcome any further
guidance or directives given to me.

With my kindest personal regards,

I am, Sincerely yours,

Jean Hofer Toal

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STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

JOHN A. TIBBS and MARGARET B. TIBBS,

Plaintiffs,

v.

3M COMPANY, *et al.*,

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,

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

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

C.A. No. 2023-CP-40-01759

In Re: Asbestos Personal Injury Litigation
Coordinated Docket

**ELEVENTH REPORT TO THE
SUPREME COURT OF SOUTH CAROLINA
PURSUANT TO ITS ORDER OF REMAND
DATED JUNE 26, 2025**

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MAY 20 2026

SC SUPREME COURT

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; THE SPARROWS GROUP, LLC,

Third-Party Defendants.

Pursuant to the South Carolina Supreme Court's Order of Remand in this matter, dated June 26, 2025, in which the Court asked that I submit monthly reports as to my progress in addressing the directives from the Court contained in its Remand Order, this will constitute my Eleventh Report.

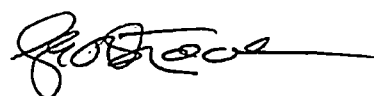
Since my Tenth Report to this Court, I have continued to review materials concerning cases on the Asbestos Docket, including matters involving the trial or settlement resolution of cases in which a Receiver has been appointed in the matter. I have also continued to administer the Asbestos Trial Docket, which includes hearing pre-trial matters considering Petitions for the approval of settlements and performing all other administrative duties involving the trial of cases on the Asbestos Docket.

In my Tenth Report to this Court, I discussed petitions for the approval of settlements in *Peggy B. Berley, et al., v. AECOM Energy & Construction Inc., et al.*, C/A No. 2023-CP-40-02840 and *Shirley A. Jenkins, et al., v. Asbestos Corporation Ltd., et al.*, C/A No. 2024-CP-40-04703. I will not repeat the complete outline of this case, but it is a case in which the filing of bankruptcy by ACL in May of 2025, undisclosed to plaintiff's counsel resulted in an attempt by ACL's insurers to avoid payments pursuant to a settlement agreement with plaintiff's attorney and a complete release by the Berley family of all claims against ACL, all of which occurred before the bankruptcy. Pursuant to these settlements, Gallivan White & Boyd transferred settlement funds on behalf of the settling insurance companies to plaintiff's lawyer's trust accounts, and then claimed that these funds should be returned to Resolute, its claims manager. These insurers went so far as to attempt on two occasions to have the New York United States Bankruptcy Court, in which the Canadian Bankruptcy was recognized, issue orders prohibiting my Court under pain of sanction from conducting hearings regarding the distribution of the *Berley* funds. I am glad to report that ultimately the New York Bankruptcy Court withdrew any objection to my Court proceeding to order the distribution of the *Berley* settlement funds to the Berley family and to Josh Cagle's firm for their attorney's fees. With regards to the *Jenkins* case, which was settled by agreements by Ms. Melissa King for Resolute, the claims manager for the insurers in *Jenkins* of ACL, the defendant and the insurance companies have petitioned the New York Bankruptcy Court to prohibit this Court from approving the *Jenkins* settlements and dispersing funds. Plaintiff's counsel has agreed with defense counsel to pause its petition for distribution until further negotiation is had to attempt to resolve this matter.

In the several hearings I have conducted regarding the *Berley* and *Jenkins* settlements, I have repeatedly put upon the record my recognition that the attorneys for ACL and its insurers appearing before me have conducted themselves with complete adherence to the professional ethics standards for lawyers. Their clients, however, have not been candid with the plaintiffs or their lawyers. Ironically, the Canadian Bankruptcy of ACL was the result of a petition by these very insurers.

I continue to manage the Asbestos Docket, conduct pretrial hearings, and administer the trial blocks as indicated in my previous reports. I am pleased to report that the South Carolina Asbestos Receiverships continue to function productively and are being embraced by many of the insurers involved.

Respectfully submitted,



Chief Justice (Ret.) Jean Hofer Toal
Presiding Circuit Court Judge

Dated May 20, 2026,
Columbia, South Carolina