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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

The Honorable Jean H. Toal
Acting Circuit Court Judge

Appellate Case No. 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; 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, Incl; 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,

of which

Asbestos Corporation Limited is the..... Appellant in Related Case,

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.; Angle 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

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

ALTRAD APPELLANTS' PETITION FOR REHEARING

Respectfully submitted,

WOMBLE BOND DICKINSON (US) LLP

M. Todd Carroll
S.C. Bar No. 74000
todd.carroll@wbd-us.com
Kevin A. Hall
S.C. Bar No. 15063
kevin.hall@wbd-us.com
M. Elizabeth O'Neill
S.C. Bar No. 104013
elizabeth.oneill@wbd-us.com
1221 Main Street, Suite 1600
Columbia, SC 29201
(803) 454-6504

Attorneys for Appellants Mohed Altrad and Altrad Investment Authority SAS ("Altrad Appellants")

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INTRODUCTION

The Altrad Appellants respectfully petition for rehearing. The Court's Opinion directly conflicts with recent authority from the Third Circuit by improperly allowing for the appointment of a state-level receiver to become the decision-making executive of a foreign corporation. In so doing, the Opinion violates controlling federal constitutional principles governing extraterritorial judicial power. The Opinion now authorizes a South Carolina court to reach beyond the State's jurisdictional boundaries to exercise coercive control over an active English company—through a state-level receiver—and then relies upon the resulting exercise of authority as a basis for asserting jurisdiction over that English company that has no presence in the United States or South Carolina.

The Third Circuit's bellwether decision in *Protopapas v. Brenntag AG (In re Whittaker, Clark & Daniels, Inc.)*, Op. No. 25-1044 (3d Cir. Apr. 27, 2026), exposes in detail the constitutional violation from the same circuit court, yet the Opinion rejects *Protopapas* and suggests it dealt with only a "much narrower and far different question" than that presented here. (Op. at 20.) In truth, *Protopapas* addressed the very same constitutional concerns appearing here.

In *Protopapas*, the Third Circuit outlined the constitutional barriers that prevent a South Carolina court from appointing a state-level receiver to make corporate decisions on behalf of a New Jersey company. The same constitutional principles apply here, the only difference being that CIHL is incorporated in England rather than New Jersey.

The Third Circuit explained that the constitutional violation could be cured only if the courts of New Jersey approved of the South Carolina receiver. Here, the English courts (home to CIHL, just as New Jersey is home to Whittaker, Clark & Daniels) have already rejected any potential recognition of the putative Receiver's claimed authority, describing him as an "impostor." (R. pp. 2827–28, 2998.)

The Opinion is much more than a misapplication of state receivership law. It is a direct and unfounded departure from controlling U.S. Constitutional jurisprudence. It also places South Carolina in conflict with other U.S. jurisdictions, most notably the Third Circuit's recent decision in *Protopapas*. In addition, the courts of England—the jurisdiction that indisputably possesses authority over the internal affairs, governance, and legal identity of CIHL—have extensively considered and rejected the putative Receiver's attempt to control CIHL in any capacity, as has every other jurisdiction that has examined Asbestos Docket receiverships (including courts in France, in Canada, the Third Circuit, the Texas Court of Appeals, and the Bankruptcy Court for the Southern District of New York). The Opinion should be reconsidered and the case reargued.

SUMMARY OF ARGUMENT

The Third Circuit recently held that a receiver (*i.e.* the very same person operating in both *Tibbs* and *Protopapas* under nearly identical appointment orders from the South Carolina circuit court) has no authority under the U.S. Constitution to conduct corporate decision-making for an out-of-state company; the only distinction being that the receiver claimed the exclusive right to file for bankruptcy in *Protopapas* and the exclusive right to waive jurisdiction and file suit against its own affiliates in *Tibbs*. The Opinion tries to cabin the Third Circuit decision as "narrower" and dealing with a "far different question," but the Third Circuit grappled with the exact same constitutional questions and issues that are present in this case and that the Opinion summarily rejected. The Opinion's treatment of the jurisdictional boundaries that the Constitution places on individual states cannot stand and should be reconsidered.

The Opinion affirms a prejudgment receivership over a foreign corporation, CIHL, and then seizes jurisdiction over that same company by virtue of the receivership appointment. The Opinion permits, in immediate contradiction to this Court's holding in *Welch*, the putative

Receiver to exercise quintessential corporate decision-making powers: to accept service, engage counsel, collect assets, pursue claims in the company's name, and ***waive the very jurisdictional defects that should have preempted the receivership in the first place***. (Op. at 18–19.)

The Opinion authorizes a jurisdictional overreach by a South Carolina court that cannot be squared with the U.S. Constitution's limits on an individual state's authority. The Opinion's holdings that (1) the appointment of the Receiver involving CIHL justifies the exercise of jurisdiction over CIHL and (2) the post-appointment activity of CIHL defending against the appointment justifies the appointment are outcomes expressly prohibited by Due Process.

The constitutional conflict is clear. A state court may not exercise binding adjudicatory power over a foreign defendant unless and until personal jurisdiction exists. *See generally Bristol-Myers Squibb Co. v. Superior Court*, 582 U.S. 255, 263 (2017) (explaining that personal jurisdiction is a function of "the territorial limitations on the power of the respective States" (quoting *Hanson v. Denckla*, 357 U.S. 235, 251 (1958))).

Yet, the Opinion allows South Carolina to do exactly that by using the receivership itself as a substitute for jurisdiction and then parlaying the resulting acts of the putative Receiver to reinforce an apparent assumption that jurisdiction existed in the first place. That is a constitutional inversion: jurisdiction must precede the exercise of authority, not arise from it. A receiver cannot be used to retroactively create the very jurisdiction that must already exist before a court may constitutionally exercise any power over a foreign corporation. This is ultimately a question that comes before any analysis or application of state receivership law; it is a question of Due Process, a constitutional threshold issue of authority that the Opinion wrongly subordinates to the trial court's "discretion." But no court has discretion to ignore the jurisdictional limits the U.S. Constitution places on a state.

ARGUMENT

I. The Opinion authorizes South Carolina to reach outside of the State's jurisdictional boundaries and seize control of the internal affairs of a foreign corporation, notwithstanding its attempt to label the putative receivership "limited."

The Opinion creates a constitutional problem by granting the putative Receiver with corporate decision-making ability over CIHL without any South Carolina court having any jurisdiction over CIHL. It then attempts to solve this problem two ways: first, by allowing the putative Receiver himself to waive jurisdiction on CIHL's behalf (Op. at 18–19); and second, by narrowing the putative Receiver's powers to "collect insurance assets" and pursue claims in CIHL's name that may result in funds responsive to the *Tibbs* claims (assuming *arguendo* that the Tibbs even have viable claims against CIHL, a non-defendant in the *Tibbs* case). (Op. at 18.) But the constitutional error is not cured by relabeling the authority.

Functionally, the result allows the Receiver to exercise core powers that belong to the corporation's lawful decisionmakers. In fact, the Opinion endorses the constitutional problem by allowing the putative Receiver to reach outside of South Carolina (and the United States) to seize corporate functionality and decision-making. As has been consistently argued in the Appellants' briefing and at oral argument, the U.S. Constitution does not allow this. In April 2026, less than two months before the Opinion, the Third Circuit held that the same Receiver's authority regarding New Jersey-based Whittaker, Clark & Daniels violated the boundaries and protections of the U.S. Constitution:

> Indeed, the Constitution has a great deal to say about the relations between states, their authority to decide the rights of foreign parties, and the application of their laws in instances of conflict. For instance, courts have long construed the Due Process Clause of the Fourteenth Amendment to impose limitations on state courts' authority to determine non-resident parties' rights. Likewise, the dormant Commerce Clause prohibits, among other things, 'the enforcement of state law 'driven by . . . economic protectionism—that is, regulatory measure designed to benefit in-state

> economic interests by burdening out-of-state competitors.' It is no surprise that the Constitution places limits on the authority a state court can exercise over companies that are incorporated in a sister state. Those limitations are as intuitive as they are sensible.
>
> * * *
>
> Thus, when it comes to control over corporate decision-making, a state "has no interest in regulating the internal affairs of foreign corporations."

Protopapas, Op. No. 25-1044, at *28–29; *see id.* at *53 ("The South Carolina Court could not unilaterally divest Whittaker's board of that authority [to make litigation decisions, including to commence bankruptcy proceedings], and, once appointed, the South Carolina Receiver had to convince a New Jersey court to displace the board.").

In *Welch*, this Court restricted the scope of the receivership appointment in question and included the following sentence in its holding: "The Receivership order does not grant the Receiver entry into the Atlas Turner boardroom or some vague right to 'take over' operation of the company." *Welch v. Advance Auto Parts, Inc.*, 445 S.C. 640, 667, 916 S.E.2d 320, 334–35 (2025). This language in *Welch* seemingly harmonized with the Third Circuit's holding in *Protopapas*, prohibiting states from allowing receivers to control corporate decision-making or to interfere with the internal affairs of a foreign corporation. *Protopapas*, Op. No. 25-1044, at *28–29. But in contradiction to both its own authority in *Welch*, and to *Protopapas*, the Opinion now opens the door for the receiver to make corporate decisions, waive jurisdiction, and to file suit against its own affiliates. The Opinion offers no explanation why the Court refused to follow its own precedent in a case decided just last year.

A corporation acts through its board and authorized officers. Decisions whether to litigate, settle, waive rights, accept service, defend litigation, pursue claims, or refrain from doing so are quintessential corporate governance decisions. *E.g.*, S.C. Code Ann. § 33-8-101 (all "corporate powers" must be exercised and controlled by directors alone); *id.* § 33-3-102 (corporate powers

include "sue and be sued, complain, and defend in its corporate name," and "make contracts"); *Welch v. Advance Auto Parts, Inc.*, 445 S.C. 640, 667, 916 S.E.2d 320, 335 (2025). They are not external housekeeping. They are the means by which a company decides how to conduct itself in litigation and commerce.

Here, the putative Receiver has been empowered to make those corporate decisions for an English company over the prohibition of the English courts and over the objection of the English company's actual board and in direct conflict with the holding of the Third Circuit. That is *de facto* control over internal affairs, regardless of the Opinion's attempt to characterize this as a simple warrant to allow a search for assets to satisfy a non-existent judgment.

The Opinion claims otherwise by invoking *Pertuis* and suggesting that alter-ego or amalgamation questions do not implicate internal affairs. (Op. at 19.) But that principle cannot be extended so far as to permit a South Carolina court to replace certain critical corporate decision-making of a foreign corporation with a state-appointed receiver and then insist that no internal affairs are implicated. The issue is not what law governs veil-piercing claims themselves. Again, the threshold issue is whether South Carolina may summarily find jurisdiction over a foreign company and then allow a receiver to make corporate-level decisions. Invasion of the boardroom is s a fundamentally different question, and it goes to the heart of internal corporate governance and constitutional limitations on a State.

For that reason, the Opinion raises serious concerns under the constitutional prohibition on extraterritorial state power. South Carolina is not regulating a domestic corporation. It is not even regulating a foreign corporation concededly subject to its jurisdiction. It is instead allowing a stranger to assert corporate control over an English company without a constitutional basis and after the English courts, and now the Third Circuit, have squarely rejected this notion.

The Opinion has now sanctioned the kind of extraterritorial overreach the U.S. Constitution forbids through the Due Process Clause, the Commerce Clause, and Article IV. This constitutional rebuke of the South Carolina receiver's ability to make corporate decisions was a core ruling of *Protopapas*. The Opinion should be given the consideration it demands to correct this unconstitutional extraterritorial overreach.

II. The Opinion is contrary to controlling Due Process jurisprudence because it allows South Carolina to exercise coercive power over a foreign company before personal jurisdiction exists.

The circuit court assumed jurisdiction as to Cape plc in *Park*, appointed a putative receiver "over" Cape plc in *Park* without any jurisdictional analysis; allowed the putative Receiver to waive jurisdiction on Cape plc's behalf in *Tibbs*; and then allowed the putative Receiver to convert that jurisdictional submission into being on CIHL's behalf in *Tibbs*—even though CIHL is not a party to *Tibbs* and has not been served in *Tibbs*.

The Opinion recast the host of procedural defects as a question of nomenclature, misnomer, or moral fraud as to CIHL. It is not. Rather, it ultimately sanctioned a finding of jurisdiction over CIHL, despite overwhelming evidence and authority (*e.g.*, *Adams*, *Mann I*, and *Smith*) that CIHL is not present in the United States, much less South Carolina. As such, the Opinion cannot be reconciled with the Due Process principles upon which the Rule of Law depends.

In practical effect, the Opinion authorizes the Receiver to make corporate decisions for an English company before the threshold jurisdictional predicate for doing so has been satisfied. The Opinion seems to endorse this jurisdiction-less outcome based on nothing more than CIHL's "actual notice" of this litigation (to which it isn't a party). (Op. at 19.)[1]

[1] The Opinion acknowledges the unenforceability of a void order. (Op. at 9.) It also explains that the putative receivership in dispute originated against Cape plc, not CIHL as the putative Receiver alone has requested (a position neither the *Tibbs* plaintiffs nor *Park* plaintiffs ***ever took below***).

Without jurisdiction, South Carolina cannot authorize a court-appointed receiver to exercise coercive authority over the defendant corporation in the interim. But that is exactly what the Opinion does. Even as modified, the Opinion permits the Receiver to "collect insurance assets [of which there are none by the putative Receiver's own repeated admission]" and, worse, operate as CIHL to "pursue such legal and equitable claims" against CIHL's own affiliates—an act that would never have occurred without an "impostor" at the helm. (Op. at 18–19.)

That is incompatible with Due Process. Personal jurisdiction is not a matter of convenience, discretion, or equity; it is a constitutional limitation on the sovereign power of a state court and a fundamental protection for defendants (including, apparently, non-defendants). *Bristol-Myers Squibb*, 582 U.S. at 263. This Court has previously acknowledged this constitutional boundary. *Cockrell v. Hillerich & Bradsby Co.*, 363 S.C. 485, 492, 611 S.E.2d 505, 508 (2005). And under *International Shoe* and its progeny, the threshold question is whether the defendant has such constitutionally sufficient contacts with the forum that the State may compel it to answer there and give the state court authority to do anything at all to affect the defendant. *Int'l Shoe Co. v. Washington*, 326 U.S. 310, 316 (1945). The circuit court cannot strike that Due Process requirement by appointing a receiver first and then allowing the receiver to stand in for the foreign company and waive jurisdictional objections on the company's behalf.

(*Id.* at 5.) A receivership appointment admittedly involving the wrong company is void; that has been the law in South Carolina for nearly 100 years. *See Porter v. Brown*, 149 S.C. 151, 158, 161–62, 146 S.E. 810, 812–14 (1929) (finding an order appointing a receiver mis-identified the entity to be placed in receivership and, therefore, all proceedings initiated by the receiver "must fall" because he "is not the legally appointed receiver in this case," and holding that because the "proceeding for the appointment of a Receiver was instituted without the institution of an action against the [correct] Opera Company, the Court was without authority to appoint a receiver, and all proceedings connected therewith are *coram non judice*"). The Opinion favorably cites *Porter* on Page 8 but ignores *Porter*'s actual holding, which controls the outcome here and voids this receivership as a matter of state law in addition to the constitutional errors discussed herein.

The Opinion permits the putative Receiver to exercise corporate decision-making authority because South Carolina "may" have jurisdiction; then it relies on the putative Receiver's apparent authority and CIHL's nonparticipation (again, in a case to which it isn't even a party) to reinforce the receivership and the broader exercise of power. (Op. at 17–19.) But Due Process does not tolerate jurisdiction-by-bootstrap. The State cannot first seize the company's boardroom and then treat the resulting posture as support for its own power.

The constitutional problem is heightened here because CIHL is not a domestic corporation, not incorporated in South Carolina, and not "at home" in South Carolina. *BNSF Ry. v. Tyrrell*, 581 U.S. 402, 413 (2017). Nor can the Opinion be justified under specific jurisdiction principles merely by reference to alleged historical U.S. commerce untethered to the present defendant and the present forum—factual allegations that have already been fully addressed and denied by *Adams*. *See, e.g.*, *Bristol-Myers Squibb*, 582 U.S. at 264 ("When there is no such connection, specific jurisdiction is lacking regardless of the extent of a defendant's unconnected activities in the State."); *J. McIntyre Machinery, Ltd. v. Nicastro*, 564 U.S. 873, 886 (2011) ("[T]he stream-of-commerce metaphor cannot supersede either the mandate of the Due Process Clause or the limits on judicial authority that Clause ensures.").

The State has no basis to exercise jurisdiction over an English company that has no presence in South Carolina and is not a party to this case.

III. The Opinion directly conflicts with the holdings of the English courts, despite England's exclusive jurisdiction over the legal identity, governance, and internal affairs of an English company.

The Opinion treats the English decisions in *Adams* and *Mann I* as if they were merely foreign objections to a South Carolina court's application of South Carolina law, and it fails to even consider *Smith*. The Opinion misses the issue presented and misstates the rulings themselves.

The English proceedings arose in the home jurisdiction of CIHL and concern matters that unquestionably lie within the authority of the English courts to adjudicate: whether CIHL is the relevant legal entity, whether CIHL is legally distinct from other entities in the "Cape" group, whether its board retains authority over the company's affairs, and whether a foreign receiver may purport to act in its name in contravention of English law. Those are material issues that speak directly to the existence, identity, and governance of an English corporation.

The Opinion acknowledges that *Mann I* entered an injunction purporting to bar the Receiver from acting on behalf of CIHL anywhere in the world and that the English court declined to carve out South Carolina from that injunction. (Op. at 12–13.) Instead of recognizing that development as a serious comity problem counseling restraint, the Opinion suggests that somehow the Appellants have misunderstood *Mann I*. Regardless, the Opinion creates an unnecessary and direct conflict between sovereign judicial systems: South Carolina orders the putative Receiver to act; England finds he has no authority to act. The result is not comity but an irreconcilable collision.[2]

The Altrad Appellants did not ask this Court to hold that English law determines South Carolina personal jurisdiction as a matter of first principles. Rather, the Altrad Appellants asked the Court to recognize that where the courts of the corporation's home jurisdiction have already adjudicated the company's legal identity, separateness, and authority to act, those rulings cannot simply be dismissed. Yet the Opinion states that *Adams* and the English rulings "pack no punch" in an American court applying American law. (Op. at 15.)

[2] As explained in *Protopapas* and acknowledged in the Opinion, the home courts of the company in issue determine whether a receiver can control the corporate litigation decisions of the company. Here, the English courts have specifically rejected the putative Receiver's claimed authority.

The Opinion's summary dismissal of the English rulings parallels its summary dismissal of the Third Circuit's recent holding. Both the Third Circuit and the English courts articulated the fundamental prohibition against "foreign" courts allowing a third-party receiver to hijack a corporation's ability to make its own decisions; the Opinion cites nothing to the contrary, because the law flatly prohibits a state court from reaching outside of its borders to seize corporate decision-making of a foreign corporation.

The issue at the center is not whether English law displaces South Carolina law. The issue is whether the U.S. Constitution permits South Carolina to remove the corporate decision-making of an entity that does not operate in South Carolina and is not subject to its jurisdiction. The extraterritoriality prohibitions of the U.S. Constitution and traditional principles of comity emphatically answer that question "No." *See generally S.C. Nat'l Bank v. Westpac Banking Corp.*, 678 F. Supp. 596, 598 (D.S.C. 1987) (explaining that courts in the United States apply principles of comity to determine the effect of foreign judgments (citing *Hilton v. Guyot*, 159 U.S. 113, 202–03 (1895))); *see also Protopapas*, Op. No. 25-1044, at *28–29, 53 (explaining that the U.S. Constitution prohibits a South Carolina state court from attempting to empower a receiver to make litigation decisions on behalf of a non-South Carolina company).

CONCLUSION

The Altrad Appellants respectfully request that the Court grant rehearing, withdraw the Opinion, rehear argument in the case if necessary, and vacate all rulings below as void due to the lack of jurisdiction. This case should end here because the receivership cannot be reconciled with federal constitutional principles governing personal jurisdiction and extraterritorial authority.[3]

[3] Nothing in this submission should be deemed a waiver of the Altrad Appellants' personal jurisdiction arguments—which have been ignored throughout despite the absence of a single fact upon which jurisdiction could be based against a French company with no contact with South

Respectfully submitted,

WOMBLE BOND DICKINSON (US) LLP

By: /s/ M. Todd Carroll
S.C. Bar No. 74000
todd.carroll@wbd-us.com
Kevin A. Hall
S.C. Bar No. 15063
kevin.hall@wbd-us.com
M. Elizabeth O'Neill
S.C. Bar No. 104013
elizabeth.oneill@wbd-us.com
1221 Main Street, Suite 1600
Columbia, SC 29201
(803) 454-6504

Attorneys for Appellants Mohed Altrad and Altrad Investment Authority SAS

June 11, 2026

Carolina and an individual French citizen with no contact with South Carolina. No court has ever cited anything at all suggesting personal jurisdiction could possibly attach over these foreigners in South Carolina. The circuit court's sustained disregard of its lack of personal jurisdiction over the Altrad Appellants and the Opinion's failure to engage on this point are regrettable. Finally, to the extent not inconsistent with the arguments presented herein, the Altrad Appellants adopt and incorporate the arguments presented by the Charter Appellants in any post-Opinion filing.