

EXHIBIT A

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Jul 13 2026

S.C. SUPREME COURT

April 14, 2026

Chief Justice Jean H. Toal
South Carolina Court Administration Building
1220 Senate Street, Suite 200
Columbia, SC 29201

RE: *Peggy B. Berley, Individually and as Personal Representative of the Estate of Billy G. Berley, Deceased v. Aecom Energy & Construction, Inc., et al.* CA No. 2023-CP-40-02840

Dear Chief Justice Toal,

Please accept this correspondence as a response to your letter dated April 10, 2026. This correspondence contains the applicable timeline and an explanation of the series of events that led to my office filing the petition to approve the settlement with Asbestos Corporation Limited (“ACL”).¹ I, along with others in my firm and in my office, have reviewed our emails and formulated the timeline below. These events date back almost two years and while I believe this is a complete timeline, I cannot state with complete certainty that we did not overlook an email or communication.

First, I want to unequivocally state that I do not believe Ms. Laffitte (as original counsel for ACL), Mr. Early (as subsequent counsel for ACL), Mr. Protopapas (as Receiver for ACL), or Ms. Richardson (who participated in mediation on behalf of her carrier in the case captioned *Shirley A. Jenkins v. Asbestos Corporation Limited, et al.*, C/A No. 2024-CP-40-04793), or anyone at their firms, took any action or made any statement that was intended to delay, frustrate, or hinder Mrs. Berley’s (or Mrs. Jenkins’) settlement with ACL. I have enjoyed a trusting and cordial relationship with these lawyers and other lawyers at their firms for a number of years.

The facts and circumstances leading to my filing the petition to approve the wrongful death settlement must be viewed under the backdrop of ACL’s position in South Carolina asbestos litigation. My office mediated the *Berley* case with Tom Wills on June 13, 2024, and eventually resolved with ACL on July 29, 2024. My understanding of ACL’s insurance package at that time was that Resolute or a Resolute entity (“CLMI”) was responsible for the largest percentage of the coverage and corresponding settlement, another carrier had a smaller percentage, and that ACL, the actual Canadian entity, would not contribute to any settlement. At this time, ACL was represented by Ms. Laffitte at Gallivan, White, and Boyd (“GWB”). Mrs. Berley executed a release on October 1, 2024, and we returned this to Ms. Laffitte’s office on or around November 4, 2024.

As I recall, subsequent to returning the release, there was a delay in receiving payment due to a change in ACL’s representation and Mr. Early’s firm taking over this representation. The consent

¹ Copies of all corresponding emails will be delivered via FedEx for your *in camera* review and also circulated via link to all interested persons and parties prior to the hearing on April 17, 2026.

motion for substitution of counsel was filed in both the *Berley* and *Jenkins* cases on January 9, 2025. Nevertheless, Plaintiff's counsel continued to follow up with all involved parties to receive payment.

On April 24, 2025, Plaintiff's counsel mediated the *Jenkins* case with ACL and its' insurers, including Resolute/CLMI. I, along with Christian Hartley from my office, appeared on behalf of Mrs. Jenkins, Will Early participated for ACL, Melissa King (a Vice-President at Resolute) participated for Resolute/CLMI, and Beth Richardson participated for her carrier. Notably, just a few days prior to the *Jenkins* mediation, ACL's carriers requested Mrs. Berley sign a new release, with an additional provision, before funding the settlement. I agreed to this new release, with no additional consideration, and it was sent to Mrs. Berley for her signature. At the *Jenkins* mediation, ACL's carriers (including Resolute/CLMI) resolved that case in exchange for a full and final release of claims. Less than two weeks later, on May 6, 2025, ACL filed for bankruptcy protection in Canada.

Considering the *Berley* case had been resolved almost one year prior, and only upon the last-minute request of ACL's carriers to have a new release signed, which effectively delayed payment, I contacted Mr. Early, Ms. King, and Ms. Richardson to ask about these two settlements (*Berley* and *Jenkins*). I was informed that the settlements were expected to still be funded. Unbeknownst to me until very recently, Resolute wired their portion of the *Berley* settlement proceeds (the amount at issue here) to GWB on May 30, 2025, 24 days after ACL filed for bankruptcy protection. In numerous follow-up emails with Ms. King at Resolute inquiring about this settlement and these funds, I was never informed of this wire or that GWB held these funds.²

In August 2025, after following up several times with ACL's carriers, I received an email from Ms. King that the Canadian Monitor would have to approve all settlements, including the *Berley* and *Jenkins* settlements. Again, at this point, I was not informed by Ms. King that the funds were actually sent to GWB by Resolute on May 30, 2025, 24 days after ACL filed for bankruptcy. Considering Ms. King's representation that the Canadian Monitor would have to approve the funds, I did not file the petition to approve the settlement at that time and have since responded to the Canadian Monitor with requested information.

On November 13, 2025, my office received a check from GWB representing a partial payment of the *Berley* settlement. As my office attempted to discern whether we could disburse this settlement in part or in whole, I contacted Ms. King and Ms. Richardson on January 14, 2026. My presumption, at that point, was that Resolute had gotten permission from the Monitor to disburse this money as previously indicated, and I inquired whether the remainder of the settlement would be funded. Again, I was unaware that Resolute had wired this money to GWB on May 30, 2025, 24 days after ACL filed for bankruptcy protection, and this was not mentioned in Ms. King's email on January 14, 2026.

Ms. King responded to my January 14, 2026, email that she was unsure why we received a check in light of her email dated August 21, 2025, but that she would look into this issue. Ms. King did not respond over the following two months, and I emailed Ms. King again on March 23, 2026, asking her to please respond by the close of business on March 25, 2026, or I would contact the Court to ask for guidance. I did not receive a response from Ms. King.

On April 2, 2026, my office filed the petition to approve the settlement with ACL, and we

² By this point, owing to ACL's pending bankruptcy, Mr. Early and Ms. Laffitte were unable to represent or speak for ACL. Therefore, the bulk of my communications from this point forward were with Ms. King and Ms. Richardson.

sent a link to the filed settlement documents to Ms. King and Ms. Richardson on April 3, 2026. On April 6, 2026, for the first time, I received an email from Ms. King stating that the payment we received was made in error, in violation of the bankruptcy stay, and should be returned. Upon receipt of this email from Ms. King, I made the Court aware of Ms. King's position and asked for guidance moving forward. The Court then set a hearing for April 17, 2026.

As I stated in my email to the Court on April 7, 2026, I did not intend then, and do not intend now, to violate any court order or bankruptcy stay. This is the sole reason why the petition to approve this settlement was made in April 2026, almost two years after settlement in the *Berley* case and almost one year after Resolute sent these funds to GWB, and only after asking Ms. King at Resolute for her position on several occasions. However, I owe a duty to my clients to zealously advance their interests and to not allow settlement funds to sit in our trust account indefinitely.

Regardless of how the Court chooses to move forward with this petition, I remain concerned about the sequence and timing of events that led to ACL's carriers asking for a newly signed release from Mrs. Berley in April 2025, months after resolving the case and receiving a signed release, just in time to file for bankruptcy protection in Canada. I also remain concerned about Resolute, despite numerous inquiries and emails about this settlement and these funds, failing to mention that the funds had been wired to GWB on May 30, 2025, 24 days after ACL originally filed for bankruptcy.³ Finally, I remain concerned about Resolute's participation in the *Jenkins*' mediation, and resolution of that case, just ten days prior to filing for bankruptcy in Canada.

Berley and Jenkins timeline

<u>Email Number</u>	<u>Date</u>	<u>Description</u>
N/A	6/13/24	Berley - Mediation occurs.
1.	7/29/24	Berley - Settlement confirmation email: Per our conversation earlier this morning, this will confirm that your client accepts ACL's offer and the case is resolved.
2.	7/30/24	Berley - Settlement confirmation email and letter sent to Jessica Laffitte from MRHFM.
3.	8/14/24	Berley - Email from MRHFM to Jessica Laffitte following up on release.
4.	8/22/23	Berley - Email from MRHFM to Jessica Laffitte following up on release.
5.	8/28/24	Berley - Received a draft of release for review from Jessica Laffitte.
N/A	9/27/24	Berley - Release sent to client for review and signature.
6.	11/4/24	Berley - Executed release sent to Jessica Laffitte.
7.	1/9/25	Berley & Jenkins - Will Early enters Notice of Appearance and the consent motion of substitution of counsel was filed.
8.	1/22/25	Berley & Jenkins - Motion of substitution of counsel was granted; Will Early now represents ACL.

³ If Mr. Berley had been living in November 2025, when my office received the funds from GWB, my office would have most likely distributed the funds as we would have presumed they had been properly paid by Resolute. Only because Mr. Berley is deceased did we bring this to the Court's attention as the wrongful death settlement required Court approval.

9.	2/13/25	Berley - Conner Benefield (MRHFM) followed up with Jessica Laffitte regarding funds.
10.	2/27/25	Berley - Conner Benefield (MRHFM) followed up with Jessica Laffitte regarding funds.
11.	2/28/25	Berley - Emails between MRHFM and Jessica Laffitte regarding a W-9 and follow up regarding funds.
12.	3/17/25	Berley - Conner Benefield (MRHFM) followed up with Jessica Laffitte regarding funds.
13.	3/28/25	Berley - Emails between MRHFM and Jessica Laffitte regarding follow up, and Will Early now represents ACL.
14.	4/11/25	Berley - Email from Kyle Bass (MRHFM) to Jessica Laffitte and Will Early regarding funding.
15.	4/21/25	Berley - Follow-up emails; defense had asked Josh Cagle for a new release to be executed and Josh agreed; waiting on that new release.
N/A	4/24/25	Jenkins - Mediation occurs. Settlement with ACL confirmed.
16.	4/25/25	Jenkins - Settlement confirmation email and letter sent to Will Early from MRHFM.
17.	4/28/25	Berley - Follow up email sent. New release received and new language approved.
N/A	5/1/25	Berley - Letter sending new release to client.
N/A	5/6/25	ACL files for bankruptcy.
18.	5/12/25	Berley & Jenkins - ACL filed for bankruptcy; however, per Josh Cagle's phone call with Beth Richardson, this settlement (Jenkins) will likely still fund.
19.	5/13/25	Berley & Jenkins - Josh Cagle confirmed the Berley settlement was delayed because of the addition of a confidentiality provision in the release per ACL's request. Jenkins also resolved and working to get paperwork completed.
20.	5/14/25	Berley & Jenkins - Email response from Beth Richardson.
21.	5/19/25	Berley & Jenkins - Josh Cagle emailed Beth Richardson, Melissa King and Will Early to follow up on the settlement.
22.	5/28/25	Berley - Updated executed release sent to defendants.
N/A	5/30/25	Berley - GWB receives wire from Resolute.
23.	6/12/25	Berley & Jenkins - Multiple email exchanges on this date. Josh Cagle emailed Melissa King, Beth Richardson and Will Early. We have a fully executed release in Berley and should have Jenkins release soon. Melissa King recommended waiting to file the petition to approve settlement until the Canadian bankruptcy court approves payment and a request will be made to the Monitor.
N/A	6/13/25	Jenkins - Release sent to client.
24.	7/8/25	Jenkins - Executed release sent to ACL.
25.	7/14/25	Berley & Jenkins - Josh Cagle sent follow up email to Melissa King, Beth Richardson and Will Early regarding his 6/12/25 email.

26.	8/4/25	Berley & Jenkins - Josh Cagle sent another follow up email to his 8/4/25 email noting both cases were resolved before ACL's Canadian bankruptcy filing.
27.	8/5/25	Berley & Jenkins - Beth Richardson responds. She hopes the payments can be made soon.
28.	8/13/25	Berley & Jenkins - Josh Cagle sent follow up to Beth Richardson, Melissa King and Will Early regarding payment.
29.	8/18/25	Berley & Jenkins - Beth Richardson responds. The Monitor must approve payment of any settlements. They will be prepared to request collection of funds expeditiously if the settlement payments are approved by the Monitor.
30.	8/18/25	Berley & Jenkins - Josh Cagle responds. (Has a request been made to the Monitor to make these to payments? How long before they are approved?)
31.	8/21/25	Berley & Jenkins - Josh Cagle sent a follow up email to Beth Richardson, Melissa King and Will Early.
32.	8/21/25	Berley & Jenkins - Melissa King states that CLMI contacted the Monitor regarding the handling of the 2 settlements. The Monitor advised that these two settlements need to be submitted through the claims process in the CCAA proceedings and can't be paid outside of that process. Link to website where information is posted.
N/A	11/13/25	Berley - MRHFM receives partial payment from GWB.
33.	1/14/26	Berley - Email to Will Early regarding settlement.
34.	1/14/26	Berley & Jenkins - Josh Cagle emailed Beth Richardson and Melissa King with timeline of payment received on 11/13/25 and inquiring whether we will receive the remaining balance.
35.	1/14/26	Berley & Jenkins - Melissa King responded that she is not sure why our office received payment. She is looking into this.
36.	1/14/26	Berley & Jenkins - Beth Richardson's response.
37.	3/23/26	Berley - Josh Cagle sent an email to Beth Richardson, Melissa King and Peter Protopapas letting Ms. King know we are holding funds in trust and asking for her response by close of business on Wednesday, March 25 th . No response received.
38.	4/2/26	Berley - Settlement approval documents e-filed.
39.	4/3/26	Berley - Email to Melissa King and Beth Richardson with link to documents e-filed with court.
40.	4/6/26	Berley - Email to Melissa King and Beth Richardson with file-stamped documents.
41.	4/6/26	Berley - Email from Melissa King to Josh Cagle.
42.	4/7/26	Berley - Email from Josh Cagle to Melissa King.
43.	4/7/26	Berley - Email from Melissa King to Josh Cagle.
44.	4/7/26	Berley - Email from Josh Cagle to Melissa King.
45.	4/7/26	Berley - Email from Josh Cagle to Chief Justice Toal
46.	4/9/26	Berley - Email from Alan Turner to Josh Cagle.

In the event additional information is required, or if Your Honor has any questions, please do not hesitate to call our office at (843) 388-1330. I look forward to seeing you and Ms. Eubanks this Friday.

With highest regards,

A handwritten signature in black ink, appearing to be 'JC' followed by a horizontal line.

Josh Cagle

Encl.
JC/jp