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

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

RECEIVED

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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 Fifteenth Report.

Since my Fourteenth 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.

A major development in the *Tibbs* case took place on September 14, 2026, when this Court resumed the trial in the third-party litigation. The Receiver's third-party declaratory judgement action seeks a declaration that Altrad and ESAB are successors to Cape, Charter, and Central Mining and are liable for asbestos injury claims filed by South Carolina claimants against this amalgamated group of companies. The Receiver is pursuing these claims in order to marshal the assets of the amalgamated group which stands responsible for injuries caused in South Carolina. It is alleged that for fifty years between 1920 and 1970, Cape dominated the U.S. market for amosite and crocidolite asbestos and was a major force in worldwide and South Carolina asbestos trade.

In England – where Cape is located today – the company has set up a large compensation fund to pay asbestos claims by former employees of Cape, but U.S. claimants are specifically excluded from accessing the fund. This declaratory judgment action was tried on October 20, 21, and 22, 2025. The Receiver put on its case and then this Court paused the case in light of the appellate activity generated by the Third-Party Defendants. ESAB, Altrad, Charter, Central Mining, and Cape refused to participate in the three-day trial. In November of 2025, this Court stayed further trial activity in this third-party action. Ultimately, the Supreme Court issued its Opinion in *Tibbs* and remitted this matter to this Court.

On the morning of the concluding day of the trial, Altrad and ESAB sent this Court thousands of pages of material which these Defendants had filed at around 11:00 o'clock the evening before. After the Third-Party Plaintiff had concluded its closing argument, ESAB and Altrad contended that they wanted to submit evidentiary materials while still maintaining that this Court had no jurisdiction to consider this matter. The materials submitted are in the record, but

this Court declined to receive any further presentation by the Third-Party Defendants. This Court then directed that the Third-Party Plaintiff submit a proposed order on or before October 2, 2026. This date was extended at Plaintiff's request until October 6, 2026. Plaintiff filed a lengthy Proposed Findings of Fact and Conclusions of Law. Defendants reply or alternate order submission will be due on October 20, 2026.

In other litigation, specifically *Roger D. Stiwinter and Phyllis G. Stiwinter, Plaintiffs v. 3M Corporation and many others including Cape and Altrad, Defendants*, (S.C. Ct. App. 2026-002112, Order Remitting filed October 2, 2026), these Third-Party Defendants continue to submit appeals to the Court of Appeals of what are clearly interlocutory orders. In the most recent *Stiwinter* case, the interlocutory appeal of this Court's Order Denying these Third-Party Defendant's Motions to Dismiss for Lack of Jurisdiction was dismissed and a copy of this Order along with a letter by counsel for the Receiver has been filed with the Supreme Court. It would appear that these Third-Party Defendants continue to attempt to delay trial of matters by this Court by filing invalid interlocutory appeals which they contend stay trial proceedings. This Court has continued to move these cases through pre-trial activity even in the face of these interlocutory appeals.

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 Hoefer Toal
Presiding Circuit Court Judge

Dated October 8, 2026,
Columbia, South Carolina