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Oct 13 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
The Honorable Jean H. Toal
Acting Circuit Court Judge

Appellate Case No. 2026-
Circuit Court Case No. 2021-CP-40-03484

Lenora Childers, Individually and as Personal
Representative of the Estate of Lewis C. Childers, Plaintiff,

v.

Davis Mechanical Contractors, Inc.; Flame Refractories,
Inc.; General Boiler Casing Company, Inc.; HEFCO, Inc.;
J.R. Dean Company, Inc.; Payne & Keller Company; SFB,
Incorporated; Stafford Insulation Company; Standard
Insulation Company of N.C., Inc.; Systra Engineering, Inc.;
United Construction Co. of Rome, Inc.; Wind Up, Ltd.,
Individually and as Successor-in-Interest to Pipe & Boiler
Insulation, Inc. f/k/a Carolina Industrial Insulating Co., Defendants,

Flame Refractories, Inc., United Construction Co. of Rome,
Inc., Wind Up, Ltd., Individually and as Successor-in-
Interest to Pipe & Boiler Insulation, Inc. f/k/a Carolina
Industrial Insulating Co., Payne & Keller Company, and
PBI QSF, LLC, By and Through Their Duly Appointed
Receiver Peter D. Protopapas, Third-Party Plaintiffs,

v.

Zurich American Insurance Company (Individually and as
Successor to Northern Insurance Company of New York,
Maryland American General Insurance Company, and
Maryland Casualty Company); Allstate Insurance
Company; John Tighe; Sean Anthony Beatty; Dennis
William Cahill; Catherine Ann Carlino; Andre Lefebvre;
David Dean Shumway; Gil Chandler, Michael Davenport;
Linda Young Pettigrew; Gwyn Wallace Fuller; Daniel
Robert Keddie; Julie Ann Fortune; Michael John Crall;
James Francis Meehan; Larry Gene Simmons; Arrowpoint
Group, Inc.; Arrowpoint Capital Corp.; Admiral Insurance

Company; Continental Insurance Company (Individually and as Successor in interest to Harbor Insurance Company); Hartford Accident and Indemnity Company, Travelers Casualty & Surety Company f/k/a Aetna Casualty & Surety Company, National Union Fire Insurance Company of Pittsburgh, PA, Medmarc Casualty Insurance Company, Individually and as Successor in Interest to Dependable Insurance Company, Inc., Berkshire Hathaway Specialty Insurance Company f/k/a Stonewall Insurance Company, Individually and as Successor in interest to Stonewall Surplus Lines Insurance Company, Lexington Insurance Company, First State Insurance Company, Birmingham Fire Insurance Company, Certain Underwriters at Lloyd's of London and various London Market Companies, South Carolina Property and Casualty Insurance Guaranty Association, R.L. Jarrett (Underwriting) Agency, Inc., U.S. Risk, L.L.C., Rexel USA, Inc., Compass Risk Services, LLC, SKRLA, LLC, Century Indemnity Company, in its own capacity and as successor to CCI Insurance Company, as successor to Insurance Company of North America, United States Fire Insurance Company, and Fireman's Fund Insurance Company,Third-Party Defendants,

of which

Payne & Keller Company, through its Receiver Peter D. Protopapas, is theRespondent,

and

Travelers Casualty & Surety Company f/k/a Aetna Casualty & Surety Company is theAppellant.

NOTICE OF APPEAL

Pursuant to South Carolina Code § 14-3-330(4), Travelers Casualty and Surety Company f/k/a The Aetna Casualty and Surety Company (“Travelers”) hereby appeals from the Administrative Order Regarding Pre-Judgment Receivers (the “Administrative Order”) entered by the Honorable Jean H. Toal on September 11, 2026, in the Court of Common Pleas for Richland County, Fifth Judicial Circuit, C/A No. 2021-CP-40-03484. Travelers received written notice of

entry of the Administrative Order on September 11, 2026, making this appeal timely. A copy of the Administrative Order is attached hereto as Exhibit A.

This Court has appellate jurisdiction under South Carolina Code § 14-3-330(4), which authorizes an appeal from “[a]n interlocutory order or decree in a court of common pleas . . . granting, continuing, modifying, or refusing the appointment of a receiver.” The Administrative Order is appealable because it continues and modifies existing receivership appointment orders by expanding and supplementing the authority of receivers appointed prejudgment in this and other asbestos proceedings.

Although the Administrative Order states that “[n]othing in this Order alters the authority granted by an order appointing a Receiver in a particular case,” it repeatedly provides that the appointment order “shall remain the source of the Receiver’s authority, as supplemented by this Administrative Order” and that receivers act pursuant to the authority granted by their appointment orders “as supplemented by this Administrative Order.” Admin. Order §§ I–V. The Administrative Order thus expressly supplements and modifies the authority conferred by existing appointment orders.

Among other things, the Administrative Order further authorizes a receiver appointed prior to judgment in one asbestos action to exercise authority in other asbestos actions and related proceedings upon filing the appointment order, the Administrative Order, and a Notice of Authority form, without obtaining a separate, case-specific appointment order in those proceedings. *Id.* §§ II–III. Upon such filing, the receiver may exercise the authority granted by the appointment order, as supplemented by the Administrative Order, including authority to commence, prosecute, defend, and participate in insurance coverage litigation and other proceedings seeking to identify, preserve, protect, or recover assets potentially available to satisfy

asbestos claims. *Id.* §§ II–III. The Administrative Order applies these provisions broadly to pending and future prejudgment receiverships throughout the South Carolina asbestos docket. *Id.* § VI.

Accordingly, notwithstanding its disclaimer of any intent to alter existing appointment orders, the Administrative Order expressly supplements and expands the authority conferred by those orders by preauthorizing receivers appointed in one asbestos case to exercise receivership powers in all other asbestos cases involving the same defendant. Thus, the Administrative Order constitutes an order “continuing” and “modifying” the appointment of a receiver within the meaning of South Carolina Code § 14-3-330(4).

Travelers states that no transcripts are needed for this appeal because the circuit court entered the Administrative Order over objections by Travelers and others without a hearing.

Respectfully submitted,

WOMBLE BOND DICKINSON (US) LLP

By: /s/ M. Todd Carroll
S.C. Bar No. 74000
todd.carroll@wbd-us.com
M. Elizabeth O’Neill
S.C. Bar No. 104013
elizabeth.oneill@wbd-us.com
1221 Main Street, Suite 1600
Columbia, South Carolina 29201
803-454-6504

*Attorneys for Appellant Third-Party Defendant Travelers Casualty
and Surety Company f/k/a The Aetna Casualty and Surety
Company*

October 13, 2026

Other Counsel of Record:

Counsel for Plaintiff:

Charles William Branham, III, Esquire (tbranham@dobslegal.com)
Aaron D. Chapman, Esquire (achapman@dobslegal.com)
Jonathan M. Holder, Esq. (jholder@dobslegal.com)
John D. Kassel, Esq. (jkassel@kassellaw.com)
Theile Branham McVey, Esquire (tmcvey@kassellaw.com)
Jamie Rae Rutkoski, Esquire (jrutkoski@kassellaw.com)

Counsel for Defendants:

William A. Coates, Esquire (wac@cassidycoates.com)
Robert W. Harte, Esquire (wharte@richardsonplowden.com)
Steven James Pugh, Esquire (spugh@richardsonplowden.com)
James H. Burns, Esquire (james.burns@nelsonmullins.com)
Stephen Lynwood Brown, Esquire (sbrown@ycrlaw.com)
Mary E. O'Neill, Esquire (elizabeth.oneill@wbd-us.com)
Brian M. Barnwell, Esquire (bb@rplegalgroup.com)
Ashley K. Brathwaite, Esquire (ashley.brathwaite@elliswinters.com)
James Bruce Glenn, Esquire (jase.glenn@nelsonmullins.com)
Francis J. Gordon, Esquire (fgordon@gssattorneys.com)
William P. Early, Esquire (willearly@piercesloan.com)
Stephen M. Kozick, Esquire (stephen.kozick@mgclaw.com)
Casey Lee Austin, Esquire (cla@maronmarvel.com)
Taylor J. Stewart, Esquire (taylor.stewart@lewisbrisbois.com)
Deirdre S. McCool, Esquire (dms@nmrs.com)
John Michael Montgomery, Esquire (mmontgomery@robinsongray.com)
W. David Conner, Esquire (dconner@hsblawfirm.com)
G. Murrell Smith, Jr. (Murrell@smithrobinsonlaw.com)
Andrew Shelby Rogers, Esquire (asrogers@ewhlaw.com)
Carl Everette Pierce, II, Esquire (carlpierce@piercesloan.com)
William Ansel Collins, Jr., Esquire (chip.collins@mgclaw.com)
Thomas B. Boger, Esquire (tommy.boger@walltempleton.com)
Connor Jeffrey Hoy, Esquire (connorhoy@parkerpoe.com)
Yancey Alford McLeod, III (ymcleod@maronmarvel.com)
Amelia Simonds Waring, Esquire (amelia@walkerwaring.com)
Jonathan Hopkins Dunlap, Esquire (JDunlap@vwlawfirm.com)
Michael James Bogle, Esquire (michael.bogle@wbd-us.com)
Allyson R. Twilley, Esquire (atwilley@FoxRothschild.com)
Tara C. Sullivan, Esquire (tara.sullivan@klgates.com)

Counsel for Third-Party Plaintiffs:

G. Murrell Smith, Jr. (murrell@smithrobinsonlaw.com)
Jonathan M. Robinson (jon@smithrobinsonlaw.com)
Shanon N. Peake (shanonp@smithrobinsonlaw.com)
Peter D. Protopapas (pdp@rplegalgroup.com)
Brian M. Barnwell (bb@rplegalgroup.com)
Tina Cundari (tina.cundari@smithrobinsonlaw.com)

John Kenneth Chandler (jchandler@rplegalgroup.com)
Paul Barry Trainor (paul.trainor@qpwbllaw.com)

Counsel for Third-Party Defendants:

Shelley S. Montague, Esquire (smontague@GWBlawfirm.com)
Carmela E. Mastrianni, Esquire (cmastrianni@lawhssm.com)
Eleanor L. Jones, Esquire (ejones@gwblawfirm.com)
Kevin Kendrick Bell, Esquire (kbell@robinsongray.com)
William H. Kleindienst, Esquire (wkleindienst@grsm.com)
Aaron Jameson Hayes, Esquire (ajh@swblaw.com)
Christy Elizabeth Mahon, Esquire (cem@swblaw.com)
Ian S. Ford, Esquire (ian.ford@fordwallace.com)
Erik Tison Norton, Esquire (erik@hmp-law.com)
Maire Elizabeth Flynn, Esquire (mflynn@collinsandlacy.com)
Wesley B. Sawyer (wsawyer@murphygrantland.com)

Other Counsel of Record:

David Grant Harris, II, Esquire (dharris@goldbergsegalla.com)

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CERTIFICATE OF SERVICE

I, the undersigned Attorney of the law offices of Womble Bond Dickinson (US) LLP, Attorneys for Travelers Casualty and Surety Company f/k/a The Aetna Casualty and Surety Company, do hereby certify that I have served the below parties in this action with a copy of the pleading(s) specified below by emailing a copy of the same to the following address(es):

Pleading: Notice of Appeal of Third-Party Defendant Travelers Casualty and Surety Company f/k/a The Aetna Casualty and Surety Company

Parties Served: G. Murrell Smith, Jr. (murrell@smithrobinsonlaw.com)
Jonathan M. Robinson (jon@smithrobinsonlaw.com)
Shanon N. Peake (shanonp@smithrobinsonlaw.com)
Peter D. Protopapas (pdp@rplegalgroup.com)
Brian M. Barnwell (bb@rplegalgroup.com)
Tina Cundari (tina.cundari@smithrobinsonlaw.com)
John Kenneth Chandler (jchandler@rplegalgroup.com)
Paul Barry Trainor (paul.trainor@qpwbllaw.com)

Counsel for Respondent Payne & Keller Corp., through its Receiver Peter D. Protopapas

Theile B. McVey (tmcvey@kassellaw.com)
Jamie D. Rutkoski (jrutkoski@kassellaw.com)
Jonathan Marshall Holder (jholde@dobslegal.com)
Charles William Branham III (tbranham@dobslegal.com)
Aaron Daniel Chapman (achapman@dobslegal.com)
John Kassel (jkassel@kassellaw.com)

Counsel for Plaintiff

WOMBLE BOND DICKINSON (US) LLP

By: /s/ M. Todd Carroll

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