

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF RICHLAND	)	FOR THE FIFTH JUDICIAL CIRCUIT
	)	
LENORA CHILDERS, Individually, and	)	C/A No.: 2021-CP-40-03484
as Personal Representative of the Estate of	)	
LEWIS C. CHILDERS,	)	In re:
	)	Asbestos Personal Injury Litigation
Plaintiffs,	)	Coordinated Docket
	)	
v.	)	
	)	
DAVIS MECHANICAL	)	ADMINISTRATIVE ORDER
CONTRACTORS, INC., et al.,	)	REGARDING PRE-JUDGMENT
	)	RECEIVERS
Defendants.	)	

The Court enters this Administrative Order to establish uniform procedures governing the authority and administration of pre-judgment Receivers appointed by this Court.¹ The purpose of this Order is to provide a process for Receivers appointed in pending and future cases, to ensure compliance with the requirements of the South Carolina Supreme Court, and to avoid unnecessary duplication of proceedings before the Receivership Court and the circuit courts. Nothing in this Order alters the authority granted by an order appointing a Receiver in a particular case. Rather, this Order establishes the procedures by which that authority may be exercised in pending and future litigation.

I. Authority of the Receiver

Every pre-judgment Receiver shall be appointed by written order entered in a specific civil action. The Appointment Order shall define the scope of the Receiver's authority and shall remain the source of the Receiver's authority, as supplemented by this Administrative Order. Unless

¹ This Court is vested with the statewide authority to address administrative matters as necessary within the asbestos docket. Supreme Court Order 2019-05-28-02.

otherwise limited by the Appointment Order, a Receiver appointed pursuant to Rule 66, SCRCR, shall have authority, without further order of the Receivership Court, to undertake all actions reasonably necessary to identify, preserve, investigate, marshal, protect, and recover assets that may be available to satisfy claims asserted in actions in which the Receiver has been appointed or authorized to act.

Such authority includes, without limitation:

- (a) investigating the existence of insurance coverage;
- (b) locating, obtaining, and preserving insurance policies and other insurance information;
- (c) communicating with insurers, brokers, insureds, and other persons possessing information concerning insurance assets;
- (d) submitting notices of claim, proofs of loss, or other insurance-related filings;
- (e) retaining attorneys, consultants, coverage counsel, accountants, or other professionals reasonably necessary to carry out the Receivership;
- (f) negotiating with insurers regarding coverage, defense obligations, indemnity obligations, or settlement;
- (g) commencing, prosecuting, defending, or participating in declaratory judgment actions, insurance coverage actions, contribution actions, or other proceedings reasonably necessary to determine, preserve, or recover insurance assets;
- (h) asserting or defending claims affecting insurance assets or other property subject to the Receivership; and
- (i) taking such other actions reasonably necessary to preserve, protect, or recover assets that may be available to satisfy claims asserted in actions in which the Receiver has been appointed or authorized to act.

II. Authority in Other Pending Asbestos Actions

When the Receiver initiates, participates in, or otherwise undertakes a separate proceeding, including an insurance coverage action, that seeks to identify, preserve, or recover assets potentially available to satisfy claims asserted in a pending asbestos action, the Receiver shall file in that asbestos action:

(1) the Appointment Order;

(2) this Administrative Order; and

(3) a Notice of Authority identifying the Appointment Order and stating that the Receiver is exercising authority pursuant to the Appointment Order, as supplemented by this Administrative Order. The Court-approved form of Notice of Authority is attached hereto as Exhibit A.

No additional motion seeking appointment or authorization of the Receiver shall be required unless otherwise ordered by the presiding judge. Upon the filing of the foregoing documents, the Receiver shall be specifically authorized to exercise, in the specific asbestos action identified in the Notice of Authority and in any related proceeding arising from or relating to that specific asbestos action, the authority granted by the Appointment Order, as supplemented by this Administrative Order, including the authority to commence, prosecute, defend, or participate in insurance coverage litigation or other proceedings seeking to identify, preserve, protect, or recover assets potentially available to satisfy claims asserted in that asbestos action.

III. Newly Filed Asbestos Actions

In any asbestos action filed after entry of the Appointment Order, in which the Receivership assets and any duties or obligations of the Receiver may be affected, the Receiver may appear by filing the Appointment Order, this Administrative Order, and a Notice of Authority.

Upon such filing, the Receiver shall be specifically authorized to exercise, in the specific asbestos action identified in the Notice of Authority and in any related proceeding arising from or relating to that specific asbestos action, the authority granted by the Appointment Order, as supplemented by this Administrative Order, without the necessity of obtaining an additional appointment order.

IV. Scope of Authority

The authority granted by an Appointment Order, as supplemented by this Administrative Order, extends to activities reasonably related to identifying, preserving, investigating, protecting, administering, or recovering assets potentially available to satisfy claims asserted in the specific actions in which the Receiver has been appointed or authorized to act, including claims arising from asbestos-related litigation.

V. Exclusive Jurisdiction; Actions Against the Receiver.

The Receiver is an officer and arm of the Receivership Court and acts pursuant to the authority granted by the Appointment Order, as supplemented by this Administrative Order. This Court retains continuing jurisdiction over the Receivership, the Receivership Estate, all assets administered by the Receiver, and the Receiver's administration of the Receivership.

Nothing in this Section limits the Receiver's authority to exercise the powers granted by the Appointment Order and this Administrative Order, including commencing or participating in proceedings authorized under Sections I through IV without further order of the Receivership Court.

Except as otherwise expressly authorized by this Court or required by applicable law, no person or entity shall commence or maintain any action or proceeding against the Receiver, in the Receiver's official capacity or arising from acts or omissions undertaken pursuant to the

Appointment Order or this Administrative Order, without first obtaining leave of the Receivership Court. The Receivership Court shall determine whether such an action may proceed and, if so, the appropriate forum.²

VI. Applicability

This Administrative Order applies to all pending pre-judgment receiverships in the South Carolina Asbestos Docket unless otherwise modified by the Receivership Court. This Administrative Order shall also apply prospectively to all pre-judgment receiverships entered after the date of this Order unless the Receivership Court provides otherwise.

IT IS SO ORDERED.

[JUDGE'S ELECTRONIC SIGNATURE PAGE FOLLOWS EXHIBIT]

² See *Protopapas v. Travelers Cas. & Sur. Co.*, 94 F.4th 351 (4th Cir. 2024) (“[A]s a matter of comity, as well as custom, the *Barton* doctrine rests on this exclusivity of the state receivership over the assets before it as a matter of jurisdiction, and indeed we have confirmed as much.”).

EXHIBIT A

NOTICE OF AUTHORITY OF RECEIVER

Pursuant to the Court's Administrative Order Regarding Pre-Judgment Receivers entered on _____, 2026, and the Order Appointing Receiver entered on _____, 20__, in the matter of _____, the Receiver hereby provides notice of the Receiver's authority to act in this asbestos action and in related proceedings concerning assets potentially available to satisfy claims asserted in this action.

The Receiver was appointed pursuant to the Order Appointing Receiver entered in _____ on _____, 20__. A copy of the Order Appointing Receiver and the Administrative Order Regarding Pre-Judgment Receivers are attached hereto.

Pursuant to the Order Appointing Receiver, as supplemented by the Administrative Order Regarding Pre-Judgment Receivers, the Receiver is authorized to undertake actions reasonably necessary to identify, preserve, investigate, protect, administer, marshal, and recover assets potentially available to satisfy claims asserted in this action.

The Receiver's authority in this action includes, without limitation, the authority to:

- (1) investigate, locate, obtain, and preserve insurance coverage and related insurance information;
- (2) communicate with insurers, brokers, insureds, and other persons possessing information concerning potential insurance assets;
- (3) submit insurance-related notices, claims, proofs of loss, and other filings;
- (4) retain professionals reasonably necessary to carry out the Receivership;
- (5) negotiate regarding coverage, defense, indemnity, or settlement issues; and
- (6) commence, prosecute, defend, or participate in insurance coverage litigation or other proceedings concerning assets potentially available to satisfy claims asserted in this action.

The Receiver is exercising this authority pursuant to the Order Appointing Receiver and the Administrative Order Regarding Pre-Judgment Receivers. No additional appointment order is required unless otherwise ordered by the Court.



Richland Common Pleas

Case Caption: Lenora Childers , plaintiff, et al vs Davis Mechanical Contractors ,
defendant, et al
Case Number: 2021CP4003484
Type: Order/Other

So Ordered

Jean H. Toal
