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SC SUPREME COURT

The Supreme Court of South Carolina

JEAN HOEFER TOAL
CHIEF JUSTICE, RETIRED
SENIOR ACTIVE JUDGE

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November 10, 2026

The Hon. Patricia A. Howard
Clerk of Court
South Carolina Supreme Court
1231 Gervais Street
Columbia, SC 29201

Re: 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, Respondent, v. Anglo American PLC, individually and as successor in interest to Anglo American Corporation of South Africa LTD., *et al.*, Third-Party Defendants,

Of which Mohed Altrad, Altrad Investment Authority SAS, ArranCo US, LLC, Hawk Bidco (US) Inc., Sparrows Offshore, LLC, Charter Consolidated Ltd., ESAB Corporation, and Central Mining & Investment Corporation Ltd. are the Petitioners.
Appellate Case Nos. 2024-001423, 2024-00001499, 2024-000916, 2024-002114, 2024-002116, 2024-002117, 2025-000052

Dear Ms. Howard:

The above-captioned matter was remanded to me by the Supreme Court of South Carolina on June 26, 2025, with directives by the Supreme Court.

I hereby file my Sixteenth Report to the Supreme Court as directed by the Tibbs Remand Order as of November 10, 2026.

I will continue to report my progress on this matter to the Court, and welcome any further guidance or directives given to me.

With my kindest personal regards,

I am, Sincerely yours,

Jean Hoefer Toal

CC: via email to

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STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

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

C.A. No. 2023-CP-40-01759

In Re: Asbestos Personal Injury Litigation
Coordinated Docket

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

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 Sixteenth Report.

Since my Fifteenth 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.

With regard to the *Tibbs* case, the Receiver Third-Party Plaintiff has now submitted a Proposed Order. The remaining Third-Party Defendants Altrad and ESAB have submitted Proposed Findings of Facts and Conclusions of Law and Third-Party Plaintiff has submitted a reply. I am in the process of evaluating these materials preparatory to issuing my Order.

I am attaching to this letter a copy of my reply to Mr. Todd Carroll's letter to me of October 27, 2026, discussing what he believes to be erroneous statements in my previous Fifteenth Report. Mr. Carroll is partially correct, and my letter reflects those issues which I believe deserve correcting as well as the issues in which I believe the statements in the Report are accurate.

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 November 10, 2026,
Columbia, South Carolina

The Supreme Court of South Carolina

JEAN HOEFER TOAL
CHIEF JUSTICE, RETIRED
SENIOR ACTIVE JUDGE

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November 10, 2026

Todd Carroll
Partner
Womble Bond Dickinson
1221 Main Street, Suite 1600
Columbia, SC 29201

Re: October 8, 2026 Report by JHT to the Supreme Court

Dear Mr. Carroll:

I have received your letter of October 27, 2026, regarding what you contend are several inaccurate statements about your clients Altrad Investment Authority SAS and Mohad Altrad contained in my October 8, 2026, Fifteenth Report to the Supreme Court regarding the third-party action involving the *Tibbs* case.

First, you take issue with my characterization of the third-party case as one which seeks to determine liability for asbestos injury claims filed by "South Carolina claimants" against the Third-Party Defendants in *Tibbs*. You note that the *Tibbs* Plaintiffs are residents of North Carolina, not South Carolina, and that a number of Plaintiffs on the South Carolina Asbestos Docket reside outside this state. That is true, but South Carolina claimants, as I reference them, include all Plaintiffs who have brought their actions in South Carolina and been determined to have properly invoked the jurisdiction of this State. It is the Plaintiff's ability to bring the action here, not their state of residence, which determines their designation as South Carolina claimants.

Second, you take issue with my statement that Altrad and ESAB sent this Court thousands of pages of materials which these Defendants filed at 11:00 the evening before my September 14, 2026, final hearing concluding the *Cape* third-party trial. I may have mistaken the time when you filed, but you handed up to the Court, on the day of the hearing, a large notebook which you have since amended with a substitute notebook, which contained materials you wanted to offer into evidence having declined repeatedly to participate actively in this case. These are the documents you refer to as "short affidavits and relevant documents from the United Kingdom concerning your objections." It is true that I did not admit these materials in evidence, but the materials are certainly filed and available for any appellate review.

Third, you take issue with my statement that your clients are Defendants in *Stiwinter v. 3M Corporation*. You are absolutely right, and I apologize. Neither Altrad Investments nor Mohad Altrad are parties to the *Stiwinter* matter.

Fourth, you take issue with my statement that certain Third-Party Defendants continue to submit appeals to the Court of Appeals of what are clearly interlocutory orders. I agree that you did not submit any appeal in *Stiwinter*, but you have repeatedly, on behalf of your clients, filed appeals to the Court of Appeals and to the Supreme Court of clearly interlocutory orders which are not immediately appealable.

Fifth, you contend that my Report suggests that the Third-Party Defendants sought to delay trial proceedings by interlocutory appeals. I stand by that observation, although again I agree that your clients are not a party to *Stiwinter*.

I will enclose a copy of this letter to you with my November 10, 2026, report to the Supreme Court. I apologize for the incorrect statements contained in the previous report.

With my kindest personal regards,

I am, Sincerely yours,



Jean Hoefer Toal

CC: via email to

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WOMBLE BOND DICKINSON

M. Todd Carroll
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October 27, 2026

Via E-Filing and Electronic Mail
The Honorable Jean H. Toal
Judge of the Circuit Court
jtoal@sccourts.org

Re: October Report to the Supreme Court

Dear Chief Justice Toal:

At the close of business on October 8, 2026, we received an email from your chambers transmitting two reports submitted by Your Honor to the South Carolina Supreme Court, dated August 24 and October 8, 2026.

Respectfully, the October 8 Report contains several inaccurate statements that attribute to our clients, Altrad Investment Authority S.A.S. and Mohed Altrad, individually, actions taken by others. For clarity, our representation is limited to these two defendants. References in this letter to "our clients" refer exclusively to these two defendants. We write to correct these inaccuracies and to ensure that the record before the Supreme Court accurately reflects our clients' involvement in the litigation.

First, the October 8 Report indicates that the purpose of the Tibbs third-party case is to seek a declaration that certain defendants, including our clients, "are liable for asbestos injury claims filed by South Carolina claimants against this amalgamated group of companies." We respectfully note, however, that the Tibbs plaintiffs are residents of North Carolina, not South Carolina. Indeed, a number of plaintiffs on the South Carolina Asbestos Docket reside outside this State.

Second, the October 8 Report states that "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." This is not correct. Neither Altrad Investment Authority S.A.S. nor Mohed Altrad made the late-night filing or submission described in the Report.

Separately, on the day trial resumed, our clients attempted to submit short affidavits explaining that neither Altrad Investment Authority nor Mr. Altrad have contacts with the State of South Carolina, along with relevant orders from the courts of the United Kingdom and France

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supporting their jurisdictional objections. The Court declined to receive those materials or hear further argument from our clients.

Third, the October 8 Report states that our clients are defendants in *Stiwinter v. 3M Corp.*, Circuit Court Case No. 2026-CP-40-08457. This is not correct. Neither Altrad Investment Authority S.A.S. nor Mohed Altrad is a party to the *Stiwinter* action.

Fourth, the October 8th report states that certain Third-Party Defendants "continue to submit appeals to the Court of Appeals of what are clearly interlocutory orders." This is not correct. Neither of our clients filed the appeal referenced in connection with the *Stiwinter* matter.

Fifth, the Report suggests that certain Third-Party Defendants have sought to delay trial proceedings through interlocutory appeals. We again respectfully clarify that neither of our clients filed the *Stiwinter* appeal or is a party to that action.

Finally, because Your Honor has requested copies of materials filed in the United States Supreme Court concerning the *Tibbs* matter, we enclose for your information the *amicus curiae* briefs submitted in support of the pending petition for certiorari. Today, the United States Supreme Court instructed the Receiver to respond to the certiorari petitions in *Tibbs* by November 27, 2026.

Since the October 8th Report was transmitted to the South Carolina Supreme Court, we are copying the Clerk of the Supreme Court so the Supreme Court's record reflects the corrections and clarifications above.

Very truly yours,

/s/ M. Todd Carroll
Womble Bond Dickinson (US) LLP
Counsel for Altrad Investment Authority S.A.S. and Mohed Altrad

Attachments: Amicus Curiae Briefs submitted to the U.S. Supreme Court in Case No. 26-350

cc: South Carolina Supreme Court (supctfilings@sccourts.org)
Counsel of Record