

# The South Carolina Court of Appeals

Timothy W. Howe, Individually and as Personal  
Representative of the Estate of Wayne Erwin Howe,  
Deceased, and Jeanette Howe, Respondents,

v.

Air & Liquid systems Corp., Individually and as  
successor-in-interest to Buffalo Pumps, Inc.; Airco, Inc.;  
Airgas USA, LLC f/k/a National Welding Supply, Inc.;  
Albany International Corp.; Asten-Johnson, Inc.; Aurora  
Pump Company; A.W. Chesterton Company; Beloit  
Corporation; Black Clawson Converting Machinery  
LLC, Individually and as a subsidiary of Davis-Standard  
LLC; CBS Corporation, A Delaware corporation f/k/a  
Viacom, Inc., Successor by merger to CBS Corporation,  
A Pennsylvania Corporation, f/k/a Westinghouse Electric  
Corporation; CGR Products, Inc. f/k/a Carolina Gasket  
and Rubber Company; CNA Holdings, Inc. f/k/a Hoechst  
Celanese Corporation (sued individually and as successor  
in interest to Fiber Industries, Inc.); Cleaver Brooks, Inc.;  
Covil Corporation; Crane Co.; Crown Cork & Seal  
Company, Inc.; Daniel International Corporation; Davis-  
Standard Corporation, LLC; Dezurik, Inc. d/b/a Dezurik-  
APCO Williamette Eagle, Inc.; Fisher-Klosterman, Inc.,  
as successor-in-interest to Buell Engineering Co.;  
Flowserve Corporation, Individually and as successor-in-  
interest to Durco Pumps; Fluor Daniel Services  
Corporation; Foster Wheeler energy Corporation;  
General Electric Company; The Gorman-Rupp  
Company; Goulds Pumps, Incorporated; Ingersoll-Rand  
Company; Linde, LLC f/k/a The Boc Group, Inc. f/k/a  
Airco, Inc.; Marsulex Environmental Technologies  
Corporation, Individually and as successor-in-interest to  
Buell Engineering Co.; Metropolitan Life Insurance  
Company, A wholly-owned subsidiary of Metlife Inc.;  
Peerless Pump Company; Presnell Insulation, Inc; Riley

Power, Inc., Individually and as successor-in-interest to Babcock Borsig Power, Inc. and Riley Stoker Corporation, Individually and as successor-in-interest to D.B. Riley; SCAPA Waycross, Inc.; Sepco Corporation; SPX Cooling Technologies, Inc. f/k/a Marley Cooling Technologies, Inc. f/k/a The Marley Cooling Tower Co.; Sterling Fluid systems (USA) LLC; Trane U.S., Inc. f/k/a American Standard, Inc. f/k/a American Radiator & Standard Manufacturing Company; Union Carbide Corporation; Uniroyal, Inc. f/k/a United States Rubber Company, Inc.; United Conveyor Corporation; Velan Valve Corp.; Viking Pump, Inc.; Warren Pumps LLC; Yuba Heat Transfer Corporation; Zurn Industries, Defendants,

Of which Covil Corporation is the Appellant.

AND

Roxanne Falls, Individually and as Personal Representative of the Estate of Charlotte Gaye Smith, Respondent,

v.

CBS Corporation, a Delaware corporation f/k/a Viacom, Inc., successor by merger to CBS Corporation, a Pennsylvania Corporation f/k/a Westinghouse Electric Corporation; CNA Holdings, Inc. f/k/a Hoechst Celanese Corporation, sued individually and a successor-in-interest to Fiber Industries, Inc.; Cleaver-Brooks, Inc.; Covil Corporation; Daniel International Corporation; Fluor Daniel, Inc. f/k/a Daniel Construction Company, Inc.; Fluor Daniel Services Corporation; Foster Wheeler Energy Corporation; General Electric Company; MP Supply, Inc. f/k/a Mill-Power Supply Co. and Mill Power Supply Company; Resolute FP US, Inc.; Union Carbide Corporation; United States Fidelity Guaranty Company; Uniroyal, Inc. f/k/a United States Rubber Company, Inc. and United Conveyor Corporation, Defendants,

Of which Covil Corporation is the Appellant.

AND

James Coleman Sizemore, as Personal Representative of  
the Estate of James Calvin Sizemore, Decedent,  
Respondent,

v.

Bowater Paper Mill; E.I. Du Pont De Nemours and  
Company; Foster Wheeler Energy Corporation; Daniel  
International Corporation f/k/a Daniel Construction  
Company, Inc.; Resolute FP US Inc. f/k/a Bowater  
Incorporated; CBS Corporation, A Delaware Corporation  
f/k/a Viacom, Inc. successor-by-merger to CBS  
Corporation, A Pennsylvania Corporation f/k/a  
Westinghouse electric Corporation; Cleaver-Brooks, Inc  
f/k/a Aqua-Chem, Inc. d/b/a Cleaver-Brooks Division;  
Covil Corporation; Fluor Constructors International f/k/a  
Fluor Corporation; Fluor Constructors International, Inc.;  
Fluor Daniel Services Corporation; Fluor Enterprises,  
Inc.; General Electric Company d/b/a Rayloc a/k/a  
NAPA; Georgia-Pacific Consumer Products LP;  
Honeywell International, Inc. f/k/a Allied-Products  
Liability Signal, Inc., sued as successor-in-interest to  
Bendix Corporation; SCANA Corporation d/b/a South  
Carolina Electric & Gas; Riley Power, Inc. f/k/a Riley  
Stoker Corporation and D.B. Riley, Inc.;

AND

Waste Management of South Carolina, Inc., successor by  
merger to USA Waste of South Carolina, Inc., successor  
by merger to Chambers Medical Technologies, Inc.,  
Defendants,

Of which Covil Corporation is the Appellant.

Appellate Case No. 2018-000385

The Honorable Jean Hofer Toal  
Hampton, York County  
Trial Court Case No. 2016CP2500440, 2015CP4603456,  
2015CP4602155

---

ORDER

---

Appellants request the Court's permission to serve and file an amended designation of matter. A return has not been received. The motion is Granted. Appellant's amended designation of matter filed with the motion is accepted. The record on appeal must be served and proof of service filed no later than December 1, 2018. All final briefs must be served and filed in accordance with the South Carolina Appellate Court Rules.

FOR THE COURT

BY *V. Claire Allen, Deputy*  
CLERK

Columbia, South Carolina

cc:  
Theile Branham McVey, Esquire  
John D. Kassel, Esquire  
Jonathan Marshall Holder, Esquire  
Mark H. Wall, Esquire  
Morgan S. Templeton, Esquire  
Lisa White Shirley, Esquire  
Renee Melancon, Esquire

**FILED**

*November 14, 2018*