

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HAMPTON AND YORK COUNTIES
Court of Common Pleas

RECEIVED
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SC COURT OF APPEALS

Jean Hoefer Toal, Chief Justice of the Supreme Court of South Carolina (Retired),
Acting as Circuit Court Judge

Appellate Case No. 2018-000385

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

v.

Air & Liquid Systems Corp., Individually and as success-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 Willamette 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 or MetLife, Inc.; Peerless Pump Company; Presnell Insulation, Inc.; Riley Power, Inc., Individually and as success-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/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 Respondent,
Charlotte Gaye Smith

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 Respondent,
Calvin Sizemore, Decedent

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.

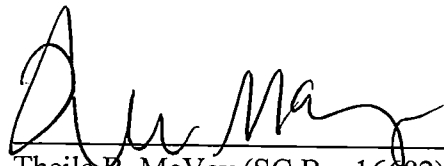
**RESPONDENTS' MOTION FOR PRO HAC VICE ADMISSION
OF RENEE MELANCON**

Pursuant to Rule 240 and Rule 404 of the *South Carolina Rules of Appellate Procedure* Renee Melancon, through the undersigned counsel, moves to be admitted *Pro Hac Vice* before this Court in the above-entitled action, in order to participate as counsel for Respondents, and in support thereof, states:

1. That she is a member in good standing of the Texas State Bar, admitted before the court of last resort in that state, and neither has ever been the subject of a disciplinary proceeding.
2. This motion is based upon the attached Verified Application for Admission *Pro Hac Vice* of Renee Melancon, a copy of each of which is attached hereto and incorporated herein by reference.

WHEREFORE, the undersigned counsel for Respondents moves for the admission *Pro Hac Vice* of Renee Melancon, as co-counsel in this matter.

[Signature appears on the following page.]



Theile B. McVey (SC Bar 16682)

tmvey@kassellaw.com

John D. Kassel (SC Bar 03286)

jkassel@kassellaw.com

KASSEL McVEY ATTORNEYS AT LAW

1330 Laurel Street

Post Office Box 1476

Columbia, South Carolina 29202-476

803-256-4242

803-256-1952 (Facsimile)

Other email: emoultrie@kassellaw.com

ATTORNEYS FOR RESPONDENTS

February 19, 2019

Columbia, South Carolina.

Court:	Date Admitted:

Applicant is presently a member in good standing of the bars of those courts listed above, except as listed below: (List any court named in the preceding paragraph that applicant is no longer admitted to practice before.)

Not Applicable

6. Applicant presently is not subject to any suspension or disbarment proceedings, and has not been formally notified of any complaints pending before a disciplinary agency, except as provided below (give particulars, e.g., jurisdiction, court date):

Not Applicable

7. Applicant never has had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked, except as provided below (give particulars, e.g., date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation):

Not Applicable

8. Applicant never has had any certificate or privilege to appear and practice before any court or administrative body suspended or revoked, except as provided below (give particulars, e.g., date, court, administrative body, date of suspension and reinstatement):

Not Applicable

9. Local counsel of record associated with applicant in this case is Theile B. McVey of the Kassel McVey Attorneys at Law law firm, which has offices at:

1330 Laurel Street; P O Box 1476
 Street Address
Columbia Richland SC 29202-1476
 City County State Zip Code
803-256-4242 803-528-7070 803-256-1952 tmcvey@kassellaw.com
 Primary Telephone Cell Phone Fax Number Email Address
16682
 South Carolina Bar Number

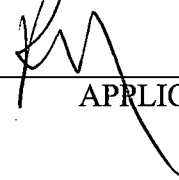
10. Applicant has previously filed an application to appear *pro hac vice* in the following South Carolina cases (give case name and status of litigation, date of application, local counsel of record in each case, and state whether application is pending or was granted).

James Calvin Sizemore et al v. Bowater Paper Mill et al; Appellate Case No. 2018-000385

11. Applicant agrees to comply with the applicable statutes, laws and rules of the State of South Carolina and will familiarize him/herself with and comply with the South Carolina Rules of Professional Conduct. Applicant consents to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct.

12. Applicant respectfully requests to be admitted to practice in the above-named tribunal for this case only.

DATED this 14 day of February, 2019



APPLICANT

VERIFICATION

STATE OF TEXAS)

COUNTY OF DALLAS)

I, RENEE MELANCON, do hereby swear or affirm under penalty of perjury that I am the applicant in the above-styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true. I understand that I am under a continuing duty to promptly update the information provided in the application until the tribunal has ruled on the motion for admission pro hac vice. Further, if the motion is granted, I understand that I am under a continuing duty to promptly update the information provided in the application as long as I continue to appear pro hac vice in the action or proceeding. Any updated information shall be provided to both the tribunal that granted the motion and to the tribunal in which the action or proceeding may then be pending.

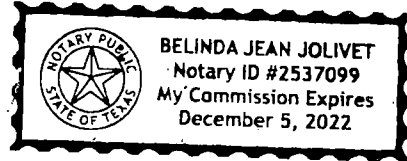
[Handwritten Signature]

APPLICANT/AFFIANT

Subscribed and sworn to before me this 12th day of February, 20 19

[Handwritten Signature]

Notary Public for the State of TEXAS
My Commission Expires: 12-5-22



LOCAL COUNSEL CONSENT

I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

DATED this 14 day of February, 20 19
[Handwritten Signature]

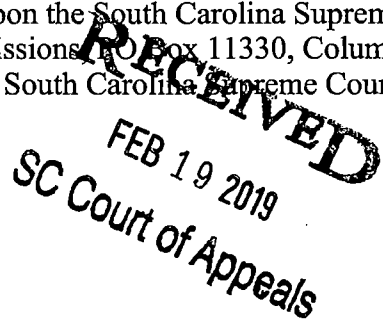
LOCAL COUNSEL OF RECORD

CERTIFICATE OF SERVICE

hand I hereby certify that I have served a copy of this application upon the South Carolina Supreme Court by mail addressed to: South Carolina Supreme Court Office of Bar Admissions, PO Box 11330, Columbia, SC 29211, accompanied by payment of the \$250 filing fee payable to the South Carolina Supreme Court on this 14th day of Feb., 20 19

[Handwritten Signature]

APPLICANT/AFFIANT



STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

November 15, 2018

Re: Ms. Renee Marie Melancon, State Bar Number 24034573

To Whom It May Concern:

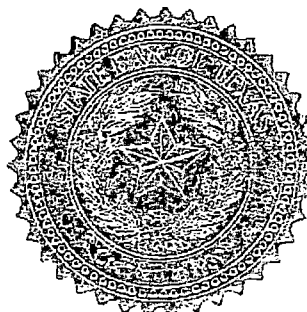
This is to certify that Ms. Renee Marie Melancon was licensed to practice law in Texas on May 03, 2002, and is an active member in good standing with the State Bar of Texas. "Good standing" means that the attorney is current on payment of Bar dues; has met Minimum Continuing Legal Education requirements; and is not presently under either administrative or disciplinary suspension from the practice of law.

This certification expires 30 days from the date, unless sooner revoked or rendered invalid by operation of rule or law.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Acevedo", with a long horizontal flourish extending to the left.

Linda A. Acevedo
Chief Disciplinary Counsel
LA/web



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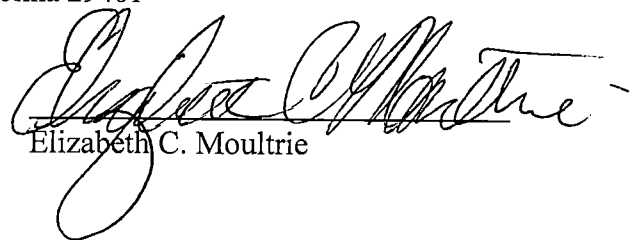
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PROOF OF SERVICE

I, Elizabeth C. Moultrie, of Kassel McVey Attorneys at Law, counsel for Respondents, do hereby certify that I have served a copy of Respondents' Motion for Pro Hac Vice Admission of Renee Melancon by depositing the same in the United States Mail, properly posted on February 19, 2019 addressed as follows to counsel of record:

Mark H. Wall (SC Bar #5798)
Morgan S. Templeton (SC Bar 15456)
Thomas B. Boger (SC Bar #81228)
145 King Street, Ste. 300
Charleston, South Carolina 29401


Elizabeth C. Moultrie

Columbia, South Carolina.