

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HAMPTON AND YORK COUNTIES
Court of Common Pleas

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SC Court of Appeals

Jean Hoefler 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 of 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.

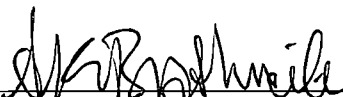
CONSENT MOTION FOR SUBSTITUTION OF COUNSEL

NOW COMES Covil Corporation, Appellant in the above-captioned matter, and shows the Court as follows:

The Appellant wishes to substitute counsel. Mark H. Wall and Morgan S. Templeton of Wall Templeton & Haldrup, P.A. currently represent Appellant as Attorneys of Record. By agreement, the below signed attorneys wish to withdraw and Appellant wishes to substitute Ashley K. Brathwaite of Ellis & Winters LLP as Attorney of Record for Covil Corporation.

WHEREFORE, PREMISES CONSIDERED, Appellant prays that the Court allow the Substitution of Counsel, as set forth herein.

This the 9th day of May, 2019.



Ashley K. Brathwaite (S.C. Bar 76952)
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Attorney for the Appellant, Covil Corporation

WITH CONSENT:

WALL TEMPLETON & HALDRUP, P.A.

Handwritten: Mark H. Wall with permission for Morgan Templeton

Mark H. Wall (Fed ID #4501)

Morgan S. Templeton

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Charleston, South Carolina 29402

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Mark.Wall@WallTempleton.com

Withdrawing Counsel for Covil Corporation

PROOF OF SERVICE

I certify this 9th day of May, 2019, that I have served a copy of the foregoing document upon other counsel of record, by depositing a copy thereof in the United States mail, postage prepaid, first class, addressed as follows:

Theile B. McVey
John D. Kassel
Kassel McVey, Attorneys At Law
P.O. Box 1476
Columbia, South Carolina 29202-1476

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Jeanette Howe, Timothy Howe, and James
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Ashley K. Brathwaite (S.C. Bar 76952)
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SC Court of Appeals



ELLIS & WINTERS

Writer's E-mail Address:
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Writer's Direct Phone:
(919) 573-1297

May 9, 2019

RECEIVED
MAY 13 2019
SC Court of Appeals

VIA OVERNIGHT DELIVERY

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

Re: *Howe, etc., v. Air & Liquid Systems Corp., et al.*
Falls, etc., v. CBS Corporation, et al.
Sizemore, etc., v. Bowater Paper Mill, et al.
Appellate Case No.: 2018-000385 (Consolidated w/2018-386, 2018-388)

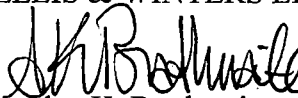
Dear Your Honor:

Enclosed please find an original and one copy of Covil Corporation's Consent Order for Substitution of Counsel, and Proposed Order, with regard to the above-referenced matter.

If this meets your approval, please file the enclosed original and return a filed-stamped copy to our office, along with the signed order, using the enclosed, self-addressed, FedEx envelope enclosed for your convenience. We appreciate your assistance with this matter, and if you have any questions, please do not hesitate to let me know.

Sincerely,

ELLIS & WINTERS LLP


Ashley K. Brathwaite

/clb

Enclosures

cc: Morgan S. Templeton (w/enclosure via U.S. Mail)
Mark H. Wall (w/enclosure via U.S. Mail)
Thiele B. McVey (w/enclosure via U.S. Mail)
Jonathan M. Holder (w/enclosure via U.S. Mail)

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BILL SENDER

TO THE HONORABLE JENNY ABBOTT KITCHINGS
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(919) 865-7000

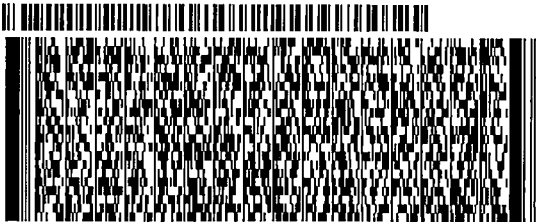
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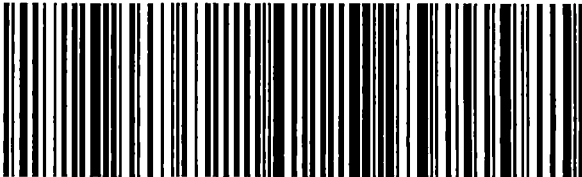
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