

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM YORK COUNTY  
Court of Common Pleas

The Honorable Jean H. Toal  
Acting Circuit Court Judge

Appellate Case No. 2019-000164  
Circuit Court Case No. 2015-CP-46-3456

**RECEIVED**  
JUN 28 2019  
SC Court of Appeals

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

v.

Air & Liquid Systems Corp., Individually and as Successor-in-Interest to Buffalo Pumps, Inc; Airco, Inc.; Airgas USA, LLC, f/ka 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 Productions, Inc., f/k/a Carolina Gasket and Rubber Company; CNA Holdings, Inc., f/k/a Hoechst Celanese Corporation; Celanese Corporation 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 Enterprises, Inc., f/k/a Fluor Daniel, Inc.; 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.; Marsulex Environmental Technologies, LLC, 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; and Zurn Industries ... Defendants,  
of whom

Cleaver-Brooks, Inc. is the ..... Appellant.

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CONSENT MOTION TO PROVIDE DIGITAL COPY OF RECORD ON APPEAL AND  
APPENDIX TO THE RECORD

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The parties have filed the Record on Appeal, two appendices to the Record, and all of their final briefs. After all of these submissions were filed, the Court sent Cleaver-Brooks two deficiency letters—one regarding the Record on Appeal, and the other regarding the first Appendix to the Record on Appeal—that stated: “The Court will not accept multiple pages of the transcript on one sheet of paper. An amended record on appeal must be filed.”

Respectfully, Cleaver-Brooks was unaware of this policy, which is not part of the Appellate Court Rules and does not appear to be published anywhere online. Accordingly, the below-signed counsel contacted the Clerk of Court’s office to discuss the basis of the deficiency letters and the Court’s policy. During that conversation, counsel learned that the Court discourages the four-panel transcript pages because they sometimes have poor quality when scanned in to create the online version of the Record on Appeal.

Reprinting the Record on Appeal with each of the four-panel transcript pages (none of which are pages of the trial transcript) would be an extremely expensive proposition. Cleaver-

Brooks has already paid \$3,986.70 to print just the Record on Appeal and all of the copies required by the Appellate Court Rules. Renumbering and reprinting the entire Record on Appeal and both of the Appendices would exceed that amount because the redone portions of transcript would take up four pages where one page previously sufficed.

In order to avoid incurring substantial additional printing costs, as well as to avoid the parties having to redo and refile all of their final briefs, Cleaver-Brooks respectfully moves the Court to allow Cleaver-Brooks to provide the Court with a digital copy of the Record on Appeal and the first Appendix to the Record. A thumb drive containing the digital Record and Appendix is enclosed with this consent motion, and Cleaver-Brooks can provide these materials digitally in other ways if a thumb drive is not compatible with the Court's technology. This solution would avoid the poor-scan-quality concern that motivates the deficiency letters, and would avoid the parties incurring hours of additional work and substantial additional printing costs.

Counsel for Cleaver-Brooks has discussed this proposed relief with counsel for the Respondents, who consents to this request and motion.

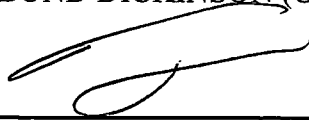
If the Court denies this consent motion, Cleaver-Brooks and Respondents respectfully request an additional 21 days following the date of the denial to file the renumbered Record on Appeal.

*Signature Page Attached*

Respectfully submitted,

WOMBLE BOND DICKINSON (US) LLP

By: \_\_\_\_\_

  
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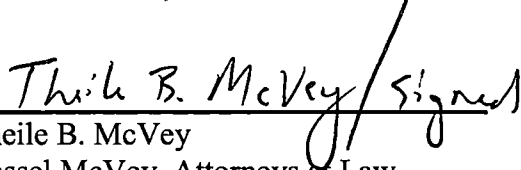
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*Attorneys for Cleaver-Brooks, Inc.*

We Consent:

KASSEL MCVEY, ATTORNEYS AT LAW

By: \_\_\_\_\_

  
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1330 Laurel Street  
Post Office Box 1476  
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*Signed with express permission  
by MTE*

*Attorneys for Respondents*

June 28, 2019

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PROOF OF SERVICE

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I, the undersigned Office Manager of the law offices of Womble Bond Dickinson (US) LLP, Attorneys for Appellant, do hereby certify that I have served the below parties in this action with a copy of the pleading(s) specified below by mailing a copy of the same, postage prepaid, to the following address(es):

Pleading: Consent Motion to Provide Digital Copy of Record on Appeal and Appendix to the Record

Parties Served:

Jessica Dean  
Renee Melancon  
Jonathan M. Holder  
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*Attorneys for Respondents*

  
Deborah L. Johnson

June 28, 2019

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June 28, 2019

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

**RECEIVED**  
JUN 28 2019  
SC Court of Appeals

Re: *Howe et al. v. Air & Liquid Systems Corp., et al.*  
Appellate Case No. 2019-000164

Dear Ms. Kitchings:

Please find enclosed for filing an original and six copies of a Consent Motion to Provide a Digital Copy of the Record on Appeal and Appendix to the Record, along with a flash drive containing a digital copy of the entire Record on Appeal and Appendix to the Record and our check for \$100 for the filing fees associated with this consent motion. Please return a file-stamped copy to us, and thank you for your consideration of this request.

With kind regards, I remain

Very truly yours,



M. Todd Carroll

cc: Theile B. McVey  
Renee Melancon