

6

92110

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND AND YORK COUNTIES
Court of Common Pleas

The Hon. Jean H. Toal, Acting Circuit Court Judge

RECEIVED

FEB 07 2020

SC Court of Appeals

Appellate Case No. 2020-
Circuit Court Case Nos. 2015-CP-46-02155 (*Smith*), 2015-CP-46-03456 (*Howe*), 2019-CP-40-
00076 (*Hopper*), 2018-CP-40-04680 (*Hill*), and 2018-CP-40-04940 (*Taylor*)

Zurich American Insurance Company **Appellant,**

v.

Peter D. Protopapas, in his capacity as Receiver of Covil Corporation . **Respondent,**

in the following cases:

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

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; Celanese Corporation f/k/a Hoechst Celanese
Corporation (Sued Individually and as 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 and Guaranty Company;
Uniroyal, Inc., f/k/a United States Rubber Company, Inc.; and United
Conveyor Corporation **Defendants,**

and

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

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,

and

Charles T. Hopper and Rebecca Hopper

Plaintiffs,

v.

Air & Liquid Systems Corp.; 3M Company; Advance Auto Parts, Inc.; Armstrong International, Inc.; Blackmer Pump Company; BW/IP, Inc.; CBS Corporation; CNA Holdings, LLC; Carrier Corporation; Circor Instrumentation Technologies, Inc.; Continental Tire the Americas, LLC; Covil Corporation; Crane Co.; Crosby Valve, LLC; Daniel International Corporation; E.I. du Pont de Nemours and Company; Fisher Controls International, LLC; Flowserve Corporation; Flowserve US Inc.; Fluor Constructors International; Flour Constructors International, Inc.; Fluor Daniel Services Corporation; Flour Enterprises, Inc.; FMC Corporation; Ford Motor Company; Foster Wheeler Energy Corporation; Gardner

Denver, Inc.; General Electric Company; Genuine Parts Company; Georgia Power Company; Goodrich Corporation; Gorman-Rupp Company; Goulds Pumps, Incorporated; Grinnell, LLC; Hobart Brothers LLC; Honeywell International, Inc.; IMO Industries, Inc.; Ingersoll-Rand Company; International Paper Company; ITT LLC; The Lincoln Electric Company; Metropolitan Life Insurance Company; Miller Electric Mfg., LLC; National Automotive Parts Association; Newco Valves, LLC; O'Reilly Auto Enterprises, LLC; O'Reilly Automotive Stores, Inc.; Resolute FP US Inc.; Shell Oil Company; South Carolina Electric & Gas Company; South Carolina Public Service Authority; Spirax Sarco, Inc.; SPX Cooling Technologies, Inc.; Southern Insulation, Inc.; Starr Davis Company, Inc.; Starr Davis Company of S.C., Inc.; Trane U.S.; Uniroyal Holding Inc.; Viking Pump, Inc.; Weir Valves & Controls USA, Inc.; The William Powell Company; Yeargin Potter Smith Construction, Inc.; Yuba Heat Transfer Corporation; and Zurn Industries Defendants,

and

James Michael Hill, Jr., as Executor of the Estate of James Michael Hill Plaintiff,

v.

Advance Auto Parts, Inc.; 4520 Corp., Inc., successor-in-interest to Benjamin F. Shaw Company; Air & Liquid Systems Corporation, individually and as successor-in-interest to Buffalo Pumps; Alcoa, Inc., successor to Reynolds Metals Company; Aurora Pump Company; BW/IP, Inc., individually and as successor-in-interest to Byron Jackson Pumps; CB&I Group Inc., individually and as successor-in-interest to The Shaw Group, successor to Benjamin F. Shaw Company; CB&I Laurens, Inc., f/k/a B.F. Shaw, Inc.; 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; Celanese Corporation; CNA Holdings, LLC, f/k/a Celanese Corporation f/k/a Hoechst Celanese Corporation, sued individually and as successor-in-interest to Fiber Industries, Inc.; Circor Instrumentation Technologies, Inc., individually and f/k/a Hoke Inc.; Cleaver Brooks, Inc., f/k/a Aqua-Chem, Inc., d/b/a Cleaver-Brooks Division; Covil Corporation; Crane Co.; Crosby Valve, LLC; Dana Companies LLC; Daniel International Corporation; The Dow Chemical Company; Federal-Mogul Asbestos Personal Injury Trust, sued as successor to Felt-Products Manufacturing Co.; Fisher Controls International, LLC, wholly owned subsidiary of Emerson Electric Company; Fluor Constructors International, f/k/a Fluor Corporation; Fluor Constructors International, Inc.; Fluor Daniel Services Corporation; Fluor Enterprises, Inc.; Foster Wheeler Energy Corporation; General Electric Company; Genuine Parts Company, d/b/a Rayloc, a/k/a NAPA; The Goodyear Tire & Rubber Company; Goulds Pumps, Inc.; Gorman-Rupp Company; Hollingsworth & Vose Company; Honeywell International, Inc., f/k/a Allied-Products Liability Signal, Inc., sued as successor-in-interest to Bendix Corporation; Imerys Talc America, Inc., f/k/a Luzernac America,

Inc., individually and as successor-in-interest to United Sierra Division of Cyprus Mines, Cyprus Industrial Minerals Company and Windsor Minerals, LLC; Ingersoll-Rand Company; International Paper Company; ITT LLC, f/k/a ITT Corporation, ITT Industries, Inc., individually and as successor to ITT Fluid Products Corp., ITT Hoffman ITT Bell & Gossett Company and ITT Marlow; Johnson & Johnson; Johnson & Johnson Consumer Companies LLC, a subsidiary of Johnson & Johnson; Mallinckrodt LLC; Maremont Corporation; McDermott International, Inc., individually and as successor-in-interest to The Shaw Group, successor to Benjamin F. Shaw Company; McNeil (Ohio) Corporation; McNeil & NRM, Inc.; Metropolitan Life Insurance Company, a Wholly-Owned Subsidiary of Metlife Inc.; Mine Safety Appliances Company, LLC; National Automotive Parts Association; OfficeMax, Incorporated, f/k/a Boise Cascade Corporation; Pneumo Abex, LLC, individually, and as successor-in-interest to Abex Corporation; R.J. Reynolds Tobacco Company, individually and as successor-by-merger to Lorillard Tobacco Company LLC, f/k/a Lorillard Tobacco Company; Resolute FP US Inc., individually and successor-in-interest to Bowater, Inc.; Reynolds American, Inc., individually, and as successor-by-merger to Brown & Williamson Tobacco Corporation, successor-by-merger to The American Tobacco Company; Riley Power, Inc., f/k/a Riley Stoker Corporation and D.B. Riley, Inc.; Spence Engineering Company, Inc.; Spriax Sarco, Inc.; SPX Cooling Technologies, Inc., individually and successor-in-interest to Marley Cooling Towers Co.; Union Carbide Corporation; United Conveyor Corporation; The William Powell Company; and Zurn Industries, LLC, individually and as successor-in-interest to Zurn Industries, Inc.

Defendants,

and

Denver D. Taylor and Janice Taylor.....

Plaintiffs,

v.

Air & Liquid Systems Corporation; Aurora Pump Company; BASF Catalyst LLC; BASF Corporation; Borgwarner Morse Tec, LLC; CBS Corporation; CNA Holdings, LLC; Cameron International Corporation; Carrier Corporation; Carver Pump Company; Caterpillar, Inc.; Celanese Corporation; Cleaver-Brooks, Inc.; Continental Tire The Americas, LLC; Covil Corporation; Crane Co.; Daniel International Corporation; Fisher Controls International, LLC; Flowserve Corporation; Flowserve US Inc.; Fluor Constructors International; Fluor Constructors International, Inc.; Fluor Daniel Services Corporation; Fluor Enterprises, Inc.; FMC Corporation; Foster Wheeler Energy Corporation; Frito-Lay, Inc.; Gardner Denver, Inc.; General Electric Company; The Gorman-Rupp Company; Goulds Pumps, Incorporated; Grinnell, LLC; Hobart Brothers LLC; Ingersoll-Rand Company; International Paper Company; ITT LLC; John Crane, Inc.; The Lincoln Electric Company; Linde, LLC; McNeil (Ohio) Corporation; McNeil & NRM, Inc.; McWane, Inc.; Metropolitan Life Insurance Company; Resolute FP US Inc.; Riley Power, Inc.; Spriax Sarco,

Inc.; SPX Cooling Technologies, Inc.; Springs Global US, Inc.; Trane US, Inc.; Viking Pump, Inc.; Warren Pumps, LLC; Weir Valves & Controls USA, Inc.; York International Corporation; and Zurn Industries, LLC Defendants.

NOTICE OF APPEAL

Zurich American Insurance Company (“Zurich”), a non-party to the above-captioned cases that is directly affected by a single Order issued jointly against it in all of the combined cases, hereby appeals that Order, which was filed on January 8, 2020. Counsel for Zurich received written notice of the entry of the Order on that same day. A copy of the challenged Order is attached.

Zurich has filed a timely and proper motion pursuant to Rules 52, 59(e), and 60, SCRCP, which remains pending in the lower court. Zurich files this Notice of Appeal as a precaution in the event that the Respondent later argues, or the lower court later finds, that the pending motion was not proper for any reason. If this Court concludes the motion is properly pending in the lower court, Zurich will consent to this matter being remanded to the lower court for a ruling on that motion, subject to Zurich’s right to recommence this appeal within 30 days of receiving written notice of the entry of any order denying that motion. Zurich further reserves all arguments and issues raised in its pending motion.

Zurich further appeals the orders of the trial court filed on September 19, 2019 and October 28, 2019. Copies of those orders are also attached. Those orders were not immediately appealable, and Zurich commences this appeal within thirty days of the date on which the first appealable order was issued.

Turner Padgett Graham & Laney, P.A.



John S. Wilkerson
40 Calhoun St., Suite 200
Charleston, SC 29401
(864) 576-2801
jwilkerson@turnerpadgett.com

R. Hawthorne Barrett
W. Taylor Stanley
P.O. Box 1473
Columbia, SC 29202
(803) 254-2200
tbarrett@turnerpadgett.com
tstanley@turnerpadgett.com

ATTORNEYS FOR APPELLANT

February 7, 2020

Other Counsel of Record:

For Respondent:

Robert G Rikard
Jesclyn T Spitz
RIKARD AND PROTOPAPAS LLC
Po Box 5640
Columbia, SC 29250

Jonathan Robinson
PO Drawer 39
Camden, SC 29210-039

G. Murrell Smith Jr
SMITH ROBINSON HOLLER DUBOSE MORGAN, LLC
PO Box 580
Sumter, SC 29151-0580

For Plaintiffs:

Thiele B Mcvey
John D Kassel
Jamie Rae Rutkoski
KASSEL MCVEY ATTORNEYS AT LAW
1330 Laurel Street
Columbia , SC 29202-1475

Jonathan M Holder
DEAN OMAR & BRANHAM LLP
302 N Market Street Suite 300
Dallas, Texas 75202

For Sentry Insurance:

Wesley Brian Sawyer
MURPHY & GRANTLAND, PA
PO Box 6648
Columbia, SC 29260

For United States Fidelity & Guaranty Co.:

William Pearce Davis
BAKER RAVENEL & BENDER, LLP
PO Box 8057
Columbia, SC 29202

Andrew T Frankel
Mary Beth Forshaw
SIMPSON THATCHER & BARTLETT LLP
425 Lexington Avenue
New York, NY 10017

Lee H Ogburn
Ezra S Gollogly
KRAMON & GRAHAM, PA
One South Street Suite 2600
Baltimore, MD 21202

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND AND YORK COUNTIES
Court of Common Pleas

The Hon. Jean H. Toal, Acting Circuit Court Judge

RECEIVED
FEB 07 2020
SC Court of Appeals

Appellate Case No. 2020-
Circuit Court Case Nos. 2015-CP-46-02155 (*Smith*), 2015-CP-46-03456 (*Howe*), 2019-CP-40-
00076 (*Hopper*), 2018-CP-40-04680 (*Hill*), and 2018-CP-40-04940 (*Taylor*)

Zurich America Insurance Company **Appellant,**

v.

Peter D. Protopapas, in his capacity as Receiver of Covil Corporation. **Respondent,**

in the following cases:

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

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; Celanese Corporation f/k/a Hoechst Celanese
Corporation (Sued Individually and as 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 and Guaranty Company;
Uniroyal, Inc., f/k/a United States Rubber Company, Inc.; and United
Conveyor Corporation **Defendants,**

and

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

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,

and

Charles T. Hopper and Rebecca Hopper

Plaintiffs,

v.

Air & Liquid Systems Corp.; 3M Company; Advance Auto Parts, Inc.; Armstrong International, Inc.; Blackmer Pump Company; BW/IP, Inc.; CBS Corporation; CNA Holdings, LLC; Carrier Corporation; Circor Instrumentation Technologies, Inc.; Continental Tire the Americas, LLC; Covil Corporation; Crane Co.; Crosby Valve, LLC; Daniel International Corporation; E.I. du Pont de Nemours and Company; Fisher Controls International, LLC; Flowserve Corporation; Flowserve US Inc.; Fluor Constructors International; Flour Constructors International, Inc.; Fluor Daniel Services Corporation; Flour Enterprises, Inc.; FMC Corporation; Ford Motor Company; Foster Wheeler Energy Corporation; Gardner

Denver, Inc.; General Electric Company; Genuine Parts Company; Georgia Power Company; Goodrich Corporation; Gorman-Rupp Company; Goulds Pumps, Incorporated; Grinnell, LLC; Hobart Brothers LLC; Honeywell International, Inc.; IMO Industries, Inc.; Ingersoll-Rand Company; International Paper Company; ITT LLC; The Lincoln Electric Company; Metropolitan Life Insurance Company; Miller Electric Mfg., LLC; National Automotive Parts Association; Newco Valves, LLC; O'Reilly Auto Enterprises, LLC; O'Reilly Automotive Stores, Inc.; Resolute FP US Inc.; Shell Oil Company; South Carolina Electric & Gas Company; South Carolina Public Service Authority; Spirax Sarco, Inc.; SPX Cooling Technologies, Inc.; Southern Insulation, Inc.; Starr Davis Company, Inc.; Starr Davis Company of S.C., Inc.; Trane U.S.; Uniroyal Holding Inc.; Viking Pump, Inc.; Weir Valves & Controls USA, Inc.; The William Powell Company; Yeargin Potter Smith Construction, Inc.; Yuba Heat Transfer Corporation; and Zurn Industries Defendants,

and

James Michael Hill, Jr., as Executor of the Estate of James Michael Hill Plaintiff,

v.

Advance Auto Parts, Inc.; 4520 Corp., Inc., successor-in-interest to Benjamin F. Shaw Company; Air & Liquid Systems Corporation, individually and as successor-in-interest to Buffalo Pumps; Alcoa, Inc., successor to Reynolds Metals Company; Aurora Pump Company; BW/IP, Inc., individually and as successor-in-interest to Byron Jackson Pumps; CB&I Group Inc., individually and as successor-in-interest to The Shaw Group, successor to Benjamin F. Shaw Company; CB&I Laurens, Inc., f/k/a B.F. Shaw, Inc.; 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; Celanese Corporation; CNA Holdings, LLC, f/k/a Celanese Corporation f/k/a Hoechst Celanese Corporation, sued individually and as successor-in-interest to Fiber Industries, Inc.; Circor Instrumentation Technologies, Inc., individually and f/k/a Hoke Inc.; Cleaver Brooks, Inc., f/k/a Aqua-Chem, Inc., d/b/a Cleaver-Brooks Division; Covil Corporation; Crane Co.; Crosby Valve, LLC; Dana Companies LLC; Daniel International Corporation; The Dow Chemical Company; Federal-Mogul Asbestos Personal Injury Trust, sued as successor to Felt-Products Manufacturing Co.; Fisher Controls International, LLC, wholly owned subsidiary of Emerson Electric Company; Fluor Constructors International, f/k/a Fluor Corporation; Fluor Constructors International, Inc.; Fluor Daniel Services Corporation; Fluor Enterprises, Inc.; Foster Wheeler Energy Corporation; General Electric Company; Genuine Parts Company, d/b/a Rayloc, a/k/a NAPA; The Goodyear Tire & Rubber Company; Goulds Pumps, Inc.; Gorman-Rupp Company; Hollingsworth & Vose Company; Honeywell International, Inc., f/k/a Allied-Products Liability Signal, Inc., sued as successor-in-interest to Bendix Corporation; Imerys Talc America, Inc., f/k/a Luzernac America,

Inc., individually and as successor-in-interest to United Sierra Division of Cyprus Mines, Cyprus Industrial Minerals Company and Windsor Minerals, LLC; Ingersoll-Rand Company; International Paper Company; ITT LLC, f/k/a ITT Corporation, ITT Industries, Inc., individually and as successor to ITT Fluid Products Corp., ITT Hoffman ITT Bell & Gossett Company and ITT Marlow; Johnson & Johnson; Johnson & Johnson Consumer Companies LLC, a subsidiary of Johnson & Johnson; Mallinckrodt LLC; Maremont Corporation; McDermott International, Inc., individually and as successor-in-interest to The Shaw Group, successor to Benjamin F. Shaw Company; McNeil (Ohio) Corporation; McNeil & NRM, Inc.; Metropolitan Life Insurance Company, a Wholly-Owned Subsidiary of Metlife Inc.; Mine Safety Appliances Company, LLC; National Automotive Parts Association; OfficeMax, Incorporated, f/k/a Boise Cascade Corporation; Pneumo Abex, LLC, individually, and as successor-in-interest to Abex Corporation; R.J. Reynolds Tobacco Company, individually and as successor-by-merger to Lorillard Tobacco Company LLC, f/k/a Lorillard Tobacco Company; Resolute FP US Inc., individually and successor-in-interest to Bowater, Inc.; Reynolds American, Inc., individually, and as successor-by-merger to Brown & Williamson Tobacco Corporation, successor-by-merger to The American Tobacco Company; Riley Power, Inc., f/k/a Riley Stoker Corporation and D.B. Riley, Inc.; Spence Engineering Company, Inc.; Spriax Sarco, Inc.; SPX Cooling Technologies, Inc., individually and successor-in-interest to Marley Cooling Towers Co.; Union Carbide Corporation; United Conveyor Corporation; The William Powell Company; and Zurn Industries, LLC, individually and as successor-in-interest to Zurn Industries, Inc.

Defendants,

and

Denver D. Taylor and Janice Taylor.....

Plaintiffs,

v.

Air & Liquid Systems Corporation; Aurora Pump Company; BASF Catalyst LLC; BASF Corporation; Borgwarner Morse Tec, LLC; CBS Corporation; CNA Holdings, LLC; Cameron International Corporation; Carrier Corporation; Carver Pump Company; Caterpillar, Inc.; Celanese Corporation; Cleaver-Brooks, Inc.; Continental Tire The Americas, LLC; Coe Corporation; Crane Co.; Daniel International Corporation; Fisher Controls International, LLC; Flowserve Corporation; Flowserve US Inc.; Fluor Constructors International; Fluor Constructors International, Inc.; Fluor Daniel Services Corporation; Fluor Enterprises, Inc.; FMC Corporation; Foster Wheeler Energy Corporation; Frito-Lay, Inc.; Gardner Denver, Inc.; General Electric Company; The Gorman-Rupp Company; Goulds Pumps, Incorporated; Grinnell, LLC; Hobart Brothers LLC; Ingersoll-Rand Company; International Paper Company; ITT LLC; John Crane, Inc.; The Lincoln Electric Company; Linde, LLC; McNeil (Ohio) Corporation; McNeil & NRM, Inc.; McWane, Inc.; Metropolitan Life Insurance Company; Resolute FP US Inc.; Riley Power, Inc.; Spriax Sarco,

Inc.; SPX Cooling Technologies, Inc.; Springs Global US, Inc.; Trane US, Inc.; Viking Pump, Inc.; Warren Pumps, LLC; Weir Valves & Controls USA, Inc.; York International Corporation; and Zurn Industries, LLC Defendants.

PROOF OF SERVICE

The undersigned, an attorney for the Appellant, certifies that I have this 7th day of **February, 2020**, served copies of the **Notice of Appeal** upon all other counsel of record by causing them to be deposited in the United States mail with sufficient postage attached, addressed to the following:

For Respondent:

Robert G Rikard
Jesclyn T Spitz
RIKARD AND PROTOPAPAS LLC
Po Box 5640
Columbia, SC 29250

G. Murrell Smith Jr
SMITH ROBINSON HOLLER DUBOSE MORGAN, LLC
PO Box 580
Sumter, SC 29151-0580

Jonathan Robinson
PO Drawer 39
Camden, SC 29210-5039

RECEIVED
FEB 07 2020
SC Court of Appeals

For Plaintiffs:

Thiele B Mcvey
John D Kassel
Jamie Rae Rutkoski
KASSEL MCVEY ATTORNEYS AT LAW
1330 Laurel Street
Columbia , SC 29202-1475

Jonathan M Holder
DEAN OMAR & BRANHAM LLP
302 N Market Street Suite 300
Dallas, Texas 75202

For Sentry Insurance:

Wesley Brian Sawyer
MURPHY & GRANTLAND, PA
PO Box 6648
Columbia, SC 29260

For United States Fidelity & Guaranty Co.:

William Pearce Davis
BAKER RAVENEL & BENDER, LLP
PO Box 8057
Columbia, SC 29202

Andrew T Frankel
Mary Beth Forshaw
SIMPSON THATCHER & BARTLETT LLP
405 Lexington Avenue
New York, NY 10017

Lee H Ogburn
Ezra S Gollogly
KRAMON & GRAHAM, PA
One South Street Suite 2600
Baltimore, MD 21202

Turner Padget Graham & Laney, P.A.



John S. Wilkerson
40 Calhoun St., Suite 200
Charleston, SC 29401
(864) 576-2801
jwilkerson@turnerpadget.com

R. Hawthorne Barrett
W. Taylor Stanley
P.O. Box 1473
Columbia, SC 29202
(803) 254-2200
tbarrett@turnerpadget.com
tstanley@turnerpadget.com

ATTORNEYS FOR APPELLANT

February 7, 2020

Turner Padget

REPLY TO:

W. Taylor Stanley
Admitted in SC and NC

E-Mail: Tstanley@TurnerPadget.com
Writer's Direct Dial: 803-227-4215
Writer's Direct Fax: 803-400-1560

February 7, 2020

Via Hand Delivery

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

RECEIVED
FEB 07 2020
SC Court of Appeals

Re: Roxanne Falls, Individually and as Personal Representative of the Estate of
Charlotte Gaye Smith v. CBS Corp., et. al.
C/A No.: 2015-CP-46-02155

Timothy W. Howe, Individually and as Personal Representative of the Estate of
Wayne Ervin Howe, et. al. v. Air & Liquid Sys. Corp. et. al.
C/A No.: 2015-CP-46-03456

Charles T. Hopper, et. al. v. Air & Liquid Sys. Corp., et. al.
C/A No.: 2019-CP-40-00076

James Michael Hill, et. al., v. Advance Auto Parts, et. al.
C/A No.: 2018-CP-40-04680

Denver D. Taylor, et. al. v. Air & Liquid Sys. Corp.
Civil Action No.: 2018-CP-40-04940

Dear Ms. Kitchings:

Enclosed are the original and one copy each of the Notice of Appeal and Proof of Service along with our firm's check for the filing fee. Please file the originals and return the stamped copies to our courier.

Turner Padget

Hon. Jenny Abbott Kitchings
February 7, 2020
Page 2

This is an appeal of a single Order issued jointly in the above-referenced cases. Per my assistant's telephone conversation with Elizabeth Carter we are filing one original Notice of Appeal and submitting one filing fee check. If upon further review it is determined that additional originals and/or filing fees are necessary we will be happy to submit them at the Court's direction. Thank you for your kind assistance.

Sincerely,

TURNER PADGET GRAHAM & LANEY P.A.



W. Taylor Stanley

WTS/cbb
Enclosures

cc: All Counsel of Record
Chief Justice (Ret) Jean H. Toal