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SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

The Honorable Jean H. Toal
Acting Circuit Court Judge

C.A. No: 2019-CP-40-06243
Appellate Case No. 2021-000648

Peter D. Protopapas, as Receiver for Starr Davis Company, Inc. and Starr Davis
Company of S.C., Inc..... Respondents,

v.

Travelers Casualty and Surety Company f/k/a The Aetna Casualty and Surety Company;
The Standard Fire Insurance Company; St. Paul Fire and Marine Insurance Company;
The Employers' Fire Insurance Company; Southeastern Agency Group and M.I.A.
Company, Inc. individually and as successors to or f/k/a Merrimon Insurance Agency,
Inc.; Robert E. Aspray; Nell Ashworth, individually and as personal representative of the
Estate of Robert J. Ashworth; Betty C. D'Amico, individually and as Executor of the
Estate of Julian D'Amico, Jr.; Kayla Keith, individually and as the personal
representative of the Estate of Jerry W. Archer, Sr.; Richard L. Knight II, as personal
representative of the Estate of Teddy L. Knight, Sr., and Linda Knight, individually;
David D. Rollins; James W. Smith and Frances R. Smith; and Linda J. White,
individually and as personal representative of the Estate of Lubert R. White, Jr.,..... Defendants,

of which

Travelers Casualty and Surety Company f/k/a The Aetna Casualty and Surety Company
and The Standard Fire Insurance Company are the Appellants.

CONSENT MOTION TO REDACT PORTIONS OF RECORD ON APPEAL

As previewed in earlier motions to this Court, a handful of materials designated for
inclusion in the Record on Appeal contain information from Starr Davis's insurance policies and

historic claims files that the parties agreed to keep confidential before the trial court, and now seek to keep confidential in the appellate record. In total, there are only 22 pages out of a record of over 1900 pages for which the parties seek confidential treatment. The public disclosure of the information in these pages could have a deleterious effect on the parties' ability to defend against future asbestos claims, and the parties do not intend to waive the common-interest privilege shared between the Appellants and the Respondents by publishing for the public's view information regarding historic treatment of claims.

Just as with their reply brief, the Appellants respectfully seek leave from the Court to file two versions of these 22 pages of historic claims materials: one set with redactions, to be included in the normal course of the Record on Appeal that would be available on C-Track; and an additional volume of the appellate record (Volume V) with unredacted versions of these 22 pages that would not be available on C-Track. The Respondents have indicated their consent to this proposal.

This motion is consistent with this Court's Order of September 23, 2021, that held sealing portions of this case was unnecessary because "redacting the record affords adequate protection to the parties in this appeal." (Order at 3 (Sept. 23, 2021).) The Court reaffirmed that position in its recent February 8, 2022 Order, which authorized Appellants to file a redacted version of their reply brief, which would be publicly available, and an unredacted version that would be for the Court's eyes only.

Accordingly, the Appellants, with Respondents' consent, move for leave to file only the redacted version of the Record on Appeal on C-Track, with a separate unredacted volume (Volume V) to be filed for the Court's use only and not publicly available on C-Track.

Respectfully submitted,

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PROOF OF SERVICE

I, the undersigned of the law offices of Womble Bond Dickinson (US) LLP, attorneys for Appellants, do hereby certify that I have served all parties to this appeal with a copy of the pleading(s) specified below by emailing them at the addresses below:

Pleading(s): Consent Motion to Redact Portions of Record on Appeal

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March 9, 2022