

SIMPSON THACHER & BARTLETT LLP
425 Lexington Avenue
New York, NY 10017
(212) 455-2000 Telephone
(212) 455-2502 Facsimile
Alan C. Turner
David R. Zylberberg
Joshua C. Polster

*Counsel to Certain Underwriters at Lloyd's,
London and certain London market insurance
companies*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

Asbestos Corporation Limited,¹

Debtor in a Foreign Proceeding.

)
)
)
)
)
)
)

Chapter 15

Case No. 25-10934 (MG)

CLMI'S MOTION FOR AN ORDER ENFORCING THE BANKRUPTCY STAY

Certain Underwriters at Lloyd's, London and certain London market insurance companies ("CLMI"),² by and through their undersigned counsel, respectfully submit this motion (the "Motion") seeking entry of an order, substantially in the form attached hereto as Exhibit A (the "Proposed Order"), to enforce the stay provisions (the "Bankruptcy Stay") in this Court's October 30, 2025 Order (I) Recognizing the CCAA Proceeding of Asbestos Corporation Limited as a

¹ The Debtor in this chapter 15 case, along with its unique identifier, is Asbestos Corporation Limited (Canadian Federal Business Number: 104903273RC0001). The Debtor has a registered and business address in Canada of 840 Boul. Ouellet, Thetford Mines, QC G6G 7A5, Canada.

² Certain London market insurance companies consist of: The Scottish Lion Insurance Company Ltd.; Tenecom Ltd. (as successor to Winterthur Swiss Insurance Company formerly known as Accident & Casualty Insurance Company of Winterthur, Switzerland), Yasuda Fire and Marine Insurance Company (UK) Limited and now known as Tenecom Ltd; The Ocean Marine Insurance Company Limited (as successor to liabilities of Commercial Union Assurance Company Limited, The Edinburgh Assurance Company, The Indemnity Marine Assurance Company Limited, The Northern Assurance Company Limited, The Road Transport & General Insurance Company Limited, United Scottish Insurance Company Limited, and The Victoria Insurance Company Limited); and NRG Victory Reinsurance Limited as successor to liabilities of New London Reinsurance Company Limited.

Foreign Main Proceeding and (II) Granting Related Relief (the “Recognition Order”) (Dkt. No. 142) and in this Court’s April 29, 2026 Order Restating and Enforcing the Bankruptcy Stay (the “Stay Order”) (Dkt. No. 176) against further proceedings in the South Carolina Court of Common Pleas in the Fifth Judicial Circuit (the “South Carolina Court”) in the *Berley* and *Jenkins* proceedings³ other than approval of the *Berley* settlement and disbursement of the *Berley* Settlement Funds.

CLMI respectfully represent to the Court as follows:⁴

PRELIMINARY STATEMENT

1. Relief enforcing the Bankruptcy Stay is required because the South Carolina Court is not abiding by the Bankruptcy Stay.

2. Specifically, the South Carolina Court has scheduled a hearing for May 12, 2026, at 9:30 a.m. ET, in the stayed *Berley* and *Jenkins* proceedings to “examine the circumstances surrounding the obtaining of releases” in favor of the Debtor, ACL, and has ordered that Melissa King, the Resolute claims employee who attended the *Jenkins* mediation on behalf of CLMI and who was involved in responding to notice of the *Berley* settlement, appear for questioning by the Court at the hearing so Justice Toal can “make a record of what occurred.” Counsel for CLMI and Resolute have also been ordered to attend. *See* Exhibits B, C, and G attached hereto. The South Carolina Court has made clear its intent to “get to the bottom of” whether the Debtor and

³ The “*Berley* proceeding” means the case captioned *Peggy B. Berley, Individually and as Personal Representative of the Estate of Billy G. Berley, Deceased v. Aecom Energy & Construction, Inc., et al.*, CA No. 2023-CP-40-02840, pending in the South Carolina Court of Common Pleas in the Fifth Judicial Circuit. The “*Jenkins* proceeding” means the case captioned *Shirley A. Jenkins, Individually and as Personal Representative of the Estate of Sam Jenkins, Jr., Deceased v. Asbestos Corporation Ltd., et al.*, CA No. 2024-CP-40-04703, pending in the South Carolina Court of Common Pleas in the Fifth Judicial Circuit.

⁴ Terms not defined herein have the meaning ascribed to them in the Motion for (I) *Ex Parte* Emergency Relief and (II) Provisional Relief Pursuant to 11 U.S.C. §§ 1519, 362 and 105(a) (Dkt. No. 9).

CLMI “procured a settlement ... at a time when they knew they were going to [commence a] bankruptcy...” *See* April 17 Hearing Transcript (Dkt. No. 166-3) at 44:3-11.

3. Conducting a hearing to “examine the circumstances” relating to CLMI’s prepetition efforts to settle the *Berley* and *Jenkins* proceedings on behalf of the Debtor, and requiring an employee of Resolute, CLMI’s third party claims administrator, to attend that hearing and submit to the South Carolina Court’s questioning so that Court can “make a record,” is a continuation of those prepetition actions and is barred by the Bankruptcy Stay. It disregards this Court’s Recognition Order as well as the Stay Order entered on April 29, 2026, which makes crystal clear that further proceedings in *Berley* and *Jenkins*—other than actions taken by plaintiff’s counsel with the written consent of CLMI and the Monitor, or as ordered by this Court, to obtain approval to disburse the funds currently held in trust by Maune Raichle (the “*Berley* Settlement Funds”)—are barred by the Bankruptcy Stay. Stay Order at 2.C.

4. CLMI therefore request an order reiterating that further activity in the *Berley* and *Jenkins* proceedings is stayed, directing Stay Parties (as defined in the Recognition Order) not to appear before the South Carolina Court in those proceedings, and ordering that all judicial acts in those proceedings that violate the Bankruptcy Stay are void *ab initio*, with an exception to permit approval of the Proposed *Berley* Settlement Approval Order (as defined below) and disbursement of the *Berley* Settlement Funds, which already has been agreed among CLMI, the Foreign Representative and counsel to the *Berley* plaintiff.

JURISDICTION

5. The United States Bankruptcy Court for the Southern District of New York (the “Court”) has jurisdiction to consider this Motion pursuant to 28 U.S.C. §§ 157 and 1334, as well

as the *Amended Standing Order of Reference* dated January 31, 2012, Reference M-431, *In re Standing Order of Reference Re: Title 11*, 12 Misc. 00032 (S.D.N.Y. Feb. 2, 2012) (Preska, C.J.).

6. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).
7. Venue is proper in this Court pursuant to 28 U.S.C. § 1409(a).
8. The statutory predicates for the Requested Relief are sections 362, 105(a), 1507, 1521, and 1528 of the Bankruptcy Code; and Bankruptcy Rule 9014.

BACKGROUND

A. This Court Enters The Stay Order, Confirming That Further Activity In The *Berley* And *Jenkins* Proceedings Is Barred By The Bankruptcy Stay

9. On April 29, 2026, this Court entered the Stay Order, finding the following, among other things:

The Bankruptcy Stay bars the continuation of any proceedings against the Debtor or any of the Stay Parties (as defined in the Recognition Order), including CLMI and Resolute.

Any further activity in the *Berley* or *Jenkins* proceedings, including the issuance or enforcement of any order directing any payment to claimants in connection with those proceedings, or the making of any such payment, is a violation of the Bankruptcy Stay; provided that this Court makes no ruling at this time regarding the *Berley* Settlement Funds currently held in trust by Maune Raichle, and that, only upon and with the written consent of CLMI and the Monitor, or as ordered by this Court following further briefing and argument, if necessary, the Motion Notice Parties may take further action to obtain approval to disburse the *Berley* Settlement Funds.

10. The Stay Order was served on April 29, 2026 on all parties to the *Berley* and *Jenkins* proceedings, as well as the South Carolina Court. *See* Affidavits of Service (Dkt. Nos. 177, 178).

B. The South Carolina Court Schedules Evidentiary Hearings In The *Berley* And *Jenkins* Proceedings In Violation Of This Court's Stay Order And The Bankruptcy Stay

11. On April 30, 2026, the South Carolina Court entered two Notices of Hearing, setting evidentiary hearings in both the *Berley* and *Jenkins* proceedings for May 12, 2026 at 9:30 a.m. Copies of the Notices are attached as Exhibits B and C. The Notices of Hearing state that the South Carolina Court “will expect all attorneys involved in this matter to be present for this hearing, including Attorneys for CLMI and Resolute,” and request that at the hearing, “all parties present their views on the effect of the April 29, 2026 Order of Judge Glenn on this Court’s ability to hear the issues surrounding the approval of the settlement and release of funds to Mrs. [Berley/Jenkins] pursuant to the release she signed.”

12. But the Notices of Hearing are not limited to a benign request for counsel to clarify the scope and effect of this Court’s Stay Order. Without specifying any legal basis, the Notices of Hearing also purport to “require” the attendance of Melissa King, the Resolute claims employee who remotely participated in the *Jenkins* mediation on behalf of CLMI, who neither lives nor works in South Carolina:

I also require the presence at this hearing of Melissa King, the agent for Resolute who was involved in the mediation which settled the above-referenced case and who thereafter communicated with counsel for the Plaintiff about the settlement and settlement documents.

13. Requiring Ms. King’s attendance and referencing her involvement in the settlements tracks the South Carolina Court’s previously stated intent to investigate “what was known by Resolute, your company and ACL itself when the settlement was obtained in these two cases, particularly in the *Jenkins* case.” See April 17 Hearing Transcript (Dkt. No. 166-3) at 42:10-22. It is plain, including from the South Carolina Court’s subsequent communications to counsel as described below, that the Court intends to question Ms. King about her knowledge of

the circumstances of ACL's CCAA bankruptcy filing, its timing and effect, and CLMI's knowledge and involvement. Such questioning would likely infringe on the attorney-client privilege and attorney work product protections, and if Ms. King is nonetheless required to testify, once disclosed that information cannot be unknown.

14. On May 8, 2026, following discussions with counsel for CLMI and counsel for the Foreign Representative, plaintiffs' counsel in *Berley* submitted to the South Carolina Court a joint proposed order agreed to by the parties which, if entered by the South Carolina Court, would authorize disbursement of the *Berley* Settlement Funds (the "Proposed *Berley* Settlement Approval Order"). Copies of plaintiffs' counsel's email and the Proposed *Berley* Settlement Approval Order are attached as Exhibits D and E respectively.

15. Later on May 8, 2026, CLMI's local South Carolina counsel sent a letter to the South Carolina Court explaining that, with the exception of disbursement of the *Berley* Settlement Funds, any further activity in the *Berley* and *Jenkins* proceedings is stayed pursuant to the Stay Order. Nevertheless, CLMI's counsel stated that, if the South Carolina Court continued to have questions as to the scope and effect of the Stay Order, and without waiving the protections recognized in the Stay Order, CLMI's counsel would attend the May 12, 2026 hearing to answer such questions on behalf of CLMI. Additionally, CLMI's counsel noted that counsel for Resolute, CLMI's third-party claims administrator, would also have counsel present if the hearing proceeds.

16. As to the South Carolina Court's order that Resolute's claims employee, Ms. King, attend the hearing, CLMI's May 8 letter respectfully submitted that any evidentiary hearing regarding the *Berley* or *Jenkins* settlements is barred by the Stay Order:

To the extent the purpose of the hearing is to answer Your Honor's questions concerning the scope and effect of the Bankruptcy Stay Order, those questions will be addressed by CLMI's counsel, and Ms. King has no additional information on that topic. To the extent the purpose of directing Ms. King to attend the hearing is

to question her as a witness regarding the *Berley* and/or *Jenkins* settlements, which Your Honor indicated was your intent at the April 17 hearing, CLMI respectfully submits that any such evidentiary hearing is barred by the Bankruptcy Stay Order, and accordingly Ms. King is unable to attend a hearing for such purpose under the terms of the Bankruptcy Stay Order.

17. CLMI's May 8 letter further noted that Ms. King is scheduled to be present in Quebec City on May 11 and 12 at the hearing in ACL's Canadian CCAA proceedings to consider approval of administration procedures for existing asbestos claims—a significant hearing in those proceedings. A copy of CLMI's May 8, 2026 letter to the South Carolina Court was sent by email to this Court's chambers email address on May 8, for this Court's information and awareness, and is attached as Exhibit F.

18. Shortly after receipt, the South Carolina Court responded by email to CLMI's letter, copying all counsel who were provided with the Notices of Hearing. A copy of the email is attached as Exhibit G.

19. In the email, the South Carolina Court makes clear that the May 12 hearing will not be limited to clarification of the scope and effect of this Court's Stay Order, and instead is intended to be an evidentiary hearing at which the Court will "make a record" by conducting questioning of Ms. King as a witness to the circumstances of the *Berley* and *Jenkins* settlements as they relate to the circumstances concerning the ACL bankruptcy:

Please be advised that I expect Ms. Melissa King to attend this hearing. I have been provided by Mr. Cagle in an email of May 8, 2026 at 12:36 pm, copied to you and all others copied on this email, with a Proposed Order in the *Berley* case which represents a consented-to partial settlement of *Berley* with the consent of you and all other interested parties. I intend to discuss this matter with Ms. King and all other attorneys. It reflects, as I understand it, many of the remarks Judge Glenn made in his hearing earlier this week regarding the *Berley* case. Judge Glenn expressed the opinion that the money in Mr. Cagle's trust account could be distributed without any violation of his Order, and his Order reflects the exempting of this transaction.

I also intend to examine the circumstances surrounding the obtaining of releases from Mrs. Jenkins and from Mrs. Berley pursuant to mediation agreements in their cases. Ms. King was directly involved in the *Jenkins* mediation, and I intend to make a record of what occurred with respect to these matters. This will not in any way preclude the parties from arguing about the extent of this Court's authority, and you may make those arguments at Tuesday's hearing. You do not have the authority, nor does anyone, to unilaterally determine this Court's authority to conduct a hearing. There may be limits on the Court's authority with regards to the making of Orders, but that in no way impinges on this Court's authority to examine transactions most of which were previous to any declarations of bankruptcy by ACL.

BASIS FOR REQUESTED RELIEF

20. Any judicial action taken in violation of the Bankruptcy Stay is void *ab initio*. See *In re Braught*, 307 B.R. 399, 403-04 (Bankr. S.D.N.Y. 2004) (holding that a judgment signed after the filing of the bankruptcy petition was void *ab initio*); *In re Dominguez*, 312 B.R. 499, 508 (Bankr. S.D.N.Y. 2004) (same); see also *In re Soares*, 107 F.3d 969, 978 (1st Cir. 1997) (same); *In re Floyd*, 359 B.R. 431, 434 (Bankr. D. Conn 2007) (same); *Kalb v. Feuerstein*, 308 U.S. 433, 438 (1940) ("the [post-petition] action of the ... Court was not merely erroneous but was beyond its power, void, and subject to collateral attack").

21. As reaffirmed in the Stay Order, "[a]ny further activity in the *Berley* or *Jenkins* proceedings" other than actions to obtain approval of disbursement of the *Berley* Settlement Funds, "is a violation of the Bankruptcy Stay."

22. The South Carolina Court's Notices of Hearing and May 8 email violate the Stay Order and the Bankruptcy Stay insofar as they purport to order the attendance of Melissa King, an employee of Resolute, which is one of the Stay Parties, to attend the May 12 hearing and submit to questioning by the South Carolina Court to "examine the circumstances surrounding the obtaining of releases from Mrs. Jenkins and from Mrs. Berley pursuant to mediation agreements in their cases" in order to "make a record of what occurred." The Bankruptcy Stay

indisputably stays examination of witnesses and development of an evidentiary record regarding prepetition settlement efforts by the Debtor and its insurers in cases that themselves are indisputably stayed. These are not mere “ministerial acts” akin to the entry of an already-signed judgment, but rather are “judicial proceedings” within the meaning of Section 362(a)(1) of the Bankruptcy Code, and therefore stayed. *See, e.g., Rexnord Holdings, Inc. v. Bidermann*, 21 F.3d 522, 527-8 (2d Cir. 1994). Because they were issued in violation of the Bankruptcy Stay, that portion of the Notices of Hearing and May 8 email which demand the attendance of Ms. King are void *ab initio*, and any orders, findings, or determinations made by the South Carolina Court in connection therewith are also barred and void.

23. For the avoidance of doubt, CLMI do not seek to interfere with disbursement of the *Berley* Settlement Funds. On the contrary, the Proposed *Berley* Settlement Approval Order—the terms of which were discussed and agreed among counsel for CLMI, the Monitor and the *Berley* plaintiff—would authorize disbursement of the *Berley* Settlement Funds if entered by the South Carolina Court. Further, the South Carolina Court has been informed that counsel for CLMI and Resolute are willing to attend the May 12 hearing to answer any further questions the South Carolina Court has regarding the Stay Order and the Proposed *Berley* Settlement Approval Order. CLMI does not believe that entry of the Proposed *Berley* Settlement Approval Order would violate the Bankruptcy Stay.

24. Accordingly, CLMI respectfully request that this Court enter an order substantially in the form attached hereto as Exhibit A and granting any other relief this Court considers appropriate.

NOTICE

25. CLMI will provide notice of this Motion to (a) the Notice Parties, (b) the South Carolina Court; (c) Maune Raichle; and (d) all other counsel that have appeared in the *Berley* or *Jenkins* proceedings (collectively, the “Motion Notice Parties”). CLMI submit that no other or further notice is required.

NO PRIOR REQUEST

26. No previous request for the relief requested herein has been made to this or any other court.

WHEREFORE, CLMI respectfully request that the Court enter the Proposed Order, substantially in the form attached hereto as Exhibit A, granting the relief requested herein and granting such further relief that the Court deems just and proper.

Dated: May 10, 2026

Respectfully submitted,

SIMPSON THACHER & BARTLETT LLP

By: /s/ Alan C. Turner

Alan C. Turner

David R. Zylberberg

Joshua C. Polster

425 Lexington Avenue

New York, NY 10017

Telephone: (212) 455-2000

*Attorneys for Certain Underwriters at Lloyd's,
London and certain London market insurance
companies*

Exhibit A: Proposed Order

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

	)	
In re:	)	Chapter 15
	)	
Asbestos Corporation Limited,	)	Case No. 25-10934 (MG)
	)	
Debtor in a Foreign Proceeding. ¹	)	
	)	

ORDER ENFORCING THE BANKRUPTCY STAY

Upon the *Motion of CLMI for an Order Restating and Enforcing the Stay Provisions of This Court’s October 30, 2025 Recognition Order* (the “Motion”)² filed on behalf of Certain Underwriters at Lloyd’s, London and certain London market insurance companies (“CLMI”);³ and it appearing that this Court has jurisdiction to consider the Motion pursuant to sections 157 and 1334 of title 28 of the United States Code, and the *Amended Standing Order of Reference* dated January 31, 2012, Reference M-431, *In re Standing Order of Reference Re: Title 11, 12 Misc. 00032* (S.D.N.Y. Jan. 31, 2012) (Preska, C.J.); and upon consideration of the Motion [and the statements of counsel at a hearing before this Court on May __, 2026 (the “Hearing”)]; and appropriate notice of the Motion [and the Hearing] having been given, and no other or further

¹ The Debtor in this chapter 15 case, along with its unique identifier, is Asbestos Corporation Limited (Canadian Federal Business Number: 104903273RC0001). The Debtor has a registered and business address in Canada of 840 Boul. Ouellet, Thetford Mines, QC G6G 7A5, Canada.

² Capitalized terms not otherwise defined herein shall carry the meanings ascribed to them in the Motion.

³ Certain London market insurance companies consist of: The Scottish Lion Insurance Company Ltd.; Tenecom Ltd. (as successor to Winterthur Swiss Insurance Company formerly known as Accident & Casualty Insurance Company of Winterthur, Switzerland), Yasuda Fire and Marine Insurance Company (UK) Limited and now known as Tenecom Ltd; The Ocean Marine Insurance Company Limited (as successor to liabilities of Commercial Union Assurance Company Limited, The Edinburgh Assurance Company, The Indemnity Marine Assurance Company Limited, The Northern Assurance Company Limited, The Road Transport & General Insurance Company Limited, United Scottish Insurance Company Limited, and The Victoria Insurance Company Limited); and NRG Victory Reinsurance Limited as successor to liabilities of New London Reinsurance Company Limited.

notice being necessary or required; and the Court having found good cause for the relief requested in the Motion; it is **HEREBY ORDERED FOUND AND DETERMINED THAT:**

A. The findings and conclusions set forth herein constitute this Court’s findings of fact and conclusions of law pursuant to Rule 7052 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), made applicable to this proceeding pursuant to Bankruptcy Rule 9014. To the extent any of the following findings of fact constitute conclusions of law, they are adopted as such. To the extent any of the following conclusions of law constitute findings of fact, they are adopted as such.

B. Any further activity in the *Berley* or *Jenkins* proceedings, other than approval of the Proposed *Berley* Settlement Approval Order and the disbursement of the *Berley* Settlement Funds pursuant thereto, is barred by the Bankruptcy Stay.

C. The holding of a hearing by the South Carolina Court to, in whole or in part, examine the circumstances surrounding the mediation, settlement, and obtaining of releases in connection with the *Berley* and *Jenkins* proceedings is barred by the Bankruptcy Stay, including Section 362(a)(1) of the Bankruptcy Code.

D. All orders, findings and determinations made, and acts taken, by or on behalf of the South Carolina Court in the *Berley* and *Jenkins* proceedings after the commencement of the Debtor’s Chapter 15 Case, whether oral or written, past or future, other than entry of the Proposed *Berley* Settlement Approval Order and disbursement of the *Berley* Settlement Funds pursuant thereto (collectively, “Barred Acts”), are barred by the Bankruptcy Stay and *void ab initio*,

including any order requiring the presence of any Personnel⁴ of any Stay Party at any hearing before the South Carolina Court.

NOW THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Motion is **GRANTED** as set forth herein.
2. All Stay Parties (and their Personnel) are directed not to appear in the South Carolina Court, other than counsel's appearance for the limited purpose of addressing the Proposed *Berley* Settlement Approval Order.
3. Movants are hereby authorized and empowered to take any action or perform any act necessary to implement and effectuate the terms of this Order.
4. This Order shall be effective and enforceable immediately upon entry and its provisions shall be self-executing.
5. Copies of this order shall be served upon the Motion Notice Parties.
6. The rights of all parties-in-interest to move this Court for relief from the Bankruptcy Stay, in accordance with the Bankruptcy Code, the Bankruptcy Rules and the Local Rules, are preserved.
7. The Court shall retain jurisdiction with respect to all matters relating to the interpretation or implementation of this Order.

IT IS SO ORDERED.

Dated: May __, 2026
New York, New York

MARTIN GLENN
Chief United States Bankruptcy Judge

⁴ "Personnel" means directors, managers, officers, employees, agents, financial advisors, attorneys, accountants, investment bankers, consultants, representatives, and other professionals, in each case, in their respective capacities as such. For the avoidance of doubt, Melissa King is Personnel of Resolute, which is a Stay Party.

Exhibit B: *Berley* Notice of Hearing

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF RICHLAND	)	FOR THE FIFTH JUDICIAL CIRCUIT
	)	
	)	C/A No.: 2023-CP-40-02840
PEGGY B. BERLEY, Individually and as	)	
Personal Representative of the Estate of	)	
BILLY G. BERLEY, deceased,	)	In Re: Asbestos Personal Injury
	)	Litigation Coordinated Docket
Plaintiff,	)	
	)	
v.	)	NOTICE OF HEARING
	)	
AECOM ENERGY & CONSTRUCTION,	)	
INC., <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

A hearing has been set in the above-captioned case for 9:30 AM on Tuesday, May 12, 2026 at the Richland County Judicial Center in Courtroom 3B. I would request that all parties present their views on the effect of the April 29, 2026 Order of Judge Glenn on this Court's ability to hear the issues surrounding the approval of the settlement and release of funds to Mrs. Berley pursuant to the release she signed.

I will expect all attorneys involved in this matter to be present for this hearing, including Attorneys for CMLI and Resolute. I also require the presence at this hearing of Melissa King, the agent for Resolute who was involved in the mediation which settled the above-referenced case and who thereafter communicated with counsel for the Plaintiff about the settlement and settlement documents.

IT IS SO ORDERED.

[JUDGE'S ELECTRONIC SIGNATURE PAGE TO FOLLOW]



Richland Common Pleas

Case Caption: Peggy B Berley , plaintiff, et al vs Aecom Energy & Construction Inc
, defendant, et al

Case Number: 2023CP4002840

Type: Notice/Notice of Hearing

So Ordered

Jean H. Toal

Exhibit C: *Jenkins* Notice of Hearing

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF RICHLAND	)	FOR THE FIFTH JUDICIAL CIRCUIT
	)	
		C/A No.: 2024-CP-40-04703
SHIRLEY A. JENKINS, Individually and	)	
as Personal Representative of the Estate of	)	
SAM JENKINS, JR., deceased,	)	In Re: Asbestos Personal Injury
	)	Litigation Coordinated Docket
Plaintiff,	)	
	)	
v.	)	NOTICE OF HEARING
	)	
ASBESTOS CORPORATION LTD., <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	
	)	

A hearing has been set in the above-captioned case for 9:30 AM on Tuesday, May 12, 2026 at the Richland County Judicial Center in Courtroom 3B. I would request that all parties present their views on the effect of the April 29, 2026 Order of Judge Glenn on this Court's ability to hear the issues surrounding the approval of the settlement and release of funds to Mrs. Jenkins pursuant to the release she signed.

I will expect all attorneys involved in this matter to be present for this hearing, including Attorneys for CMLI and Resolute. I also require the presence at this hearing of Melissa King, the agent for Resolute who was involved in the mediation which settled the above-referenced case and who thereafter communicated with counsel for the Plaintiff about the settlement and settlement documents.

IT IS SO ORDERED.

[JUDGE'S ELECTRONIC SIGNATURE PAGE TO FOLLOW]



Richland Common Pleas

Case Caption: Shirley A Jenkins , plaintiff, et al vs Asbestos Corporation Ltd ,
defendant, et al

Case Number: 2024CP4004703

Type: Notice/Notice of Hearing

So Ordered

Jean H. Toal

Exhibit D: May 8, 2026 Email from *Berley* Plaintiff's Counsel

From: Joshua D. Cagle <jcagle@mrhfmlaw.com>
Sent: Friday, May 8, 2026 12:36 PM
To: Eubanks, Tiffany; Teddy Manos; Toal, Jean
Cc: Beth B. Richardson; Melissa King; Jessica Laffitte; Peter Protopapas; Dara Carmichael; Allison Peuterbaugh; Will Early; Holly Parker; Jessica Pitts
Subject: Re: On Behalf of Chief Justice Toal-- Letter re: Berley(2023-CP-40-02840) April 17, 2026 Hearing on Settlement and Settlement Funds - CLMI Objections to Proposed Order
Attachments: Berley Joint Proposed Order 5.8.26.docx

[CAUTION EXTERNAL EMAIL]

Good afternoon, Chief Justice Toal and Ms. Eubanks.

I am attaching a Proposed Order in the *Berley* case which, if signed, will order the distribution of the funds my firm presently holds in our trust account. All interested parties have consented to the language in the Proposed Order.

If the Court has any questions or requires any additional information, please let us know. I look forward to seeing both of you on Tuesday.

I hope everyone has a safe and enjoyable weekend.

-Josh

From: "Eubanks, Tiffany" <teubanks@sccourts.org>
Date: Thursday, April 30, 2026 at 12:38 PM
To: Teddy Manos <tlm@roblaw.net>, "Toal, Jean" <JToal@sccourts.org>
Cc: "Beth B. Richardson" <brichardson@robinsongray.com>, Melissa King <mking@resolutemgmt.com>, Jessica Laffitte <jlaffitte@gwblawfirm.com>, Peter Protopapas <pdp@rplegalgroup.com>, Dara Carmichael <dcarmichael@robinsongray.com>, Allison Peuterbaugh <allisonpeuterbaugh@piercesloan.com>, Will Early <willearly@piercesloan.com>, Holly Parker <hollyparker@piercesloan.com>, Jessica Pitts <jpitts@mrhfmlaw.com>, Joshua Cagle <jcagle@mrhfmlaw.com>
Subject: RE: On Behalf of Chief Justice Toal-- Letter re: Berley(2023-CP-40-02840) April 17, 2026 Hearing on Settlement and Settlement Funds - CLMI Objections to Proposed Order

Good afternoon!

A hearing has been set in the *Berley* and *Jenkins* matters for Tuesday, May 12, 2026 at 9:30 am at the Richland County Judicial Center, Courtroom 3B. Please see the attached signed and clocked copies of the Notices of Hearing, filed today. Thank you.

Sincerely,

Tiffany Eubanks
Judicial Law Clerk
SC Court Administration
Office: (803) 734-1800
teubanks@sccourts.org

From: Teddy Manos <tlm@roblaw.net>

Sent: Wednesday, April 29, 2026 11:02 AM

To: Eubanks, Tiffany <teubanks@sccourts.org>; Toal, Jean <JToal@sccourts.org>

Cc: Beth B. Richardson <brichardson@robinsongray.com>; Melissa King <mking@resolutemgmt.com>; Jessica Laffitte <jlaffitte@gwblawfirm.com>; Peter Protopapas <pdp@rplegalgroup.com>; Dara Carmichael <dcarmichael@robinsongray.com>; Allison Peuterbaugh <allisonpeuterbaugh@piercesloan.com>; Will Early <willearly@piercesloan.com>; Holly Parker <hollyparker@piercesloan.com>; Jessica Pitts <jpitts@mrhfmlaw.com>; Joshua D. Cagle <jcagle@mrhfmlaw.com>

Subject: RE: On Behalf of Chief Justice Toal-- Letter re: Berley(2023-CP-40-02840) April 17, 2026 Hearing on Settlement and Settlement Funds - CLMI Objections to Proposed Order

***** EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

Good morning,

Attached hereto is an Order Restating and Enforcing the Bankruptcy Stay entered this morning by Chief United States Bankruptcy Judge Glenn of the Southern District of New York in the Chapter 15 Case No. 25-10934 (MG) In re: Asbestos Corporation Limited.

Respectfully,

Teddy Manos



Theodore L. Manos
Robertson Hollingsworth Manos & Rahn, LLC
40 Calhoun Street, Suite 330
Charleston, SC 29401
Office (843) 723-6470
Mobile (843) 345-8992
TLM@roblaw.net
www.roblaw.net

From: Jessica Pitts <jpitts@mrhfmlaw.com>

Sent: Monday, April 27, 2026 11:20 AM

To: Joshua D. Cagle <jcagle@mrhfmlaw.com>; Teddy Manos <tlm@roblaw.net>; Eubanks, Tiffany <teubanks@sccourts.org>; Toal, Jean <JToal@sccourts.org>

Cc: Beth B. Richardson <brichardson@robinsongray.com>; Melissa King <mking@resolutemgmt.com>; Jessica Laffitte <jlaffitte@gwblawfirm.com>; Peter Protopapas <pdp@rplegalgroup.com>; Dara Carmichael <dcarmichael@robinsongray.com>; Allison Peuterbaugh <allisonpeuterbaugh@piercesloan.com>; Will Early <willearly@piercesloan.com>; Holly Parker <hollyparker@piercesloan.com>

Subject: Re: On Behalf of Chief Justice Toal-- Letter re: Berley(2023-CP-40-02840) April 17, 2026 Hearing on Settlement and Settlement Funds - CLMI Objections to Proposed Order

Good morning,

The attached response and exhibits were filed earlier today in advance of the hearing in the Southern District of New York. Attached is a courtesy copy for your files.

Thank you,
Jessica



JESSICA PITTS
LITIGATION PARALEGAL
300 WEST COLEMAN BOULEVARD,
SUITE 200
MOUNT PLEASANT, SC 29464
843.388.1330 OFFICE
803.753.9931 FAX
JPITTS@MRHFMLAW.COM

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From: Joshua D. Cagle <jcagle@mrhfmlaw.com>

Date: Friday, April 24, 2026 at 5:59 PM

To: Teddy Manos <tln@roblaw.net>; Eubanks, Tiffany <teubanks@sccourts.org>; Jessica Pitts <jpitts@mrhfmlaw.com>; Toal, Jean <JToal@sccourts.org>

Cc: Beth B. Richardson <brichardson@robinsongray.com>; Melissa King <mking@resolutemgmt.com>; Jessica Laffitte <jlaffitte@gwblawfirm.com>; Peter Protopapas <pdp@rplegalgroup.com>; Dara Carmichael <dcarmichael@robinsongray.com>; Allison Peuterbaugh <allisonpeuterbaugh@piercesloan.com>; Will Early <willearly@piercesloan.com>; Holly Parker <hollyparker@piercesloan.com>

Subject: Re: On Behalf of Chief Justice Toal-- Letter re: Berley(2023-CP-40-02840) April 17, 2026 Hearing on Settlement and Settlement Funds - CLMI Objections to Proposed Order

Good afternoon, everyone. I am not sure Mr. Manos sent this but, in the event anyone has not seen this Order, there is a Zoom hearing scheduled for Monday morning at 11:00 a.m. in the Southern District of New York. I am attaching the Order.

-Josh

From: Teddy Manos <tln@roblaw.net>

Date: Friday, April 24, 2026 at 4:40 PM

To: "Eubanks, Tiffany" <teubanks@sccourts.org>, Jessica Pitts <jpitts@mrhfmlaw.com>, "Toal, Jean"

Cc: Joshua Cagle <jcagle@mrhfmlaw.com>, "Beth B. Richardson" <brichardson@robinsongray.com>, Melissa King <mking@resolutemgmt.com>, Jessica Laffitte <jlaffitte@gwblawfirm.com>, Peter Protopapas <pdp@rplegalgroup.com>, Dara Carmichael <dcarmichael@robinsongray.com>, Allison Peuterbaugh <allisonpeuterbaugh@piercesloan.com>, Will Early <willearly@piercesloan.com>, Holly Parker <hollyparker@piercesloan.com>

Subject: RE: On Behalf of Chief Justice Toal-- Letter re: Berley(2023-CP-40-02840) April 17, 2026 Hearing on Settlement and Settlement Funds - CLMI Objections to Proposed Order

Chief Justice Toal and Ms. Eubanks –

Attached hereto are the FILED copies of CLMI's Objections and Exhibits.

Respectfully,

Teddy Manos



Theodore L. Manos
Robertson Hollingsworth Manos & Rahn, LLC
40 Calhoun Street, Suite 330
Charleston, SC 29401
Office (843) 723-6470
Mobile (843) 345-8992
TLM@roblaw.net
www.roblaw.net

From: Teddy Manos

Sent: Friday, April 24, 2026 4:17 PM

To: 'Eubanks, Tiffany' <teubanks@sccourts.org>; Jessica Pitts <jpitts@mrhfmlaw.com>; Toal, Jean <JToal@sccourts.org>

Cc: Joshua D. Cagle <jcagle@mrhfmlaw.com>; Beth B. Richardson <brichardson@robinsongray.com>; Melissa King <mking@resolutemgmt.com>; Jessica Laffitte <jlaffitte@gwblawfirm.com>; Peter Protopapas <pdp@rplegalgroup.com>; Dara Carmichael <dcarmichael@robinsongray.com>; Allison Peuterbaugh <allisonpeuterbaugh@piercesloan.com>; Will Early <willearly@piercesloan.com>; Holly Parker <hollyparker@piercesloan.com>

Subject: RE: On Behalf of Chief Justice Toal-- Letter re: Berley(2023-CP-40-02840) April 17, 2026 Hearing on Settlement and Settlement Funds - CLMI Objections to Proposed Order

Chief Justice Toal and Ms. Eubanks –

Attached hereto are CLMI's Objections which were filed contemporaneously herewith. I will substitute filed copies upon receipt of the same.

Please note that I am including a link to exhibits A and B to the Objections based on their size.

<https://www.dropbox.com/scl/fo/wmggd1lx4raxzvbkqyu24/AG3dR0XXhl94VXvQ4QswYkg?rlkey=32cp1gn74tz1js7kcx6zhubaj&st=5shjw1cx&dl=0>

Respectfully, May 8 2026 Email from Berley Plaintiffs Counsel Pg 6 of 13

Teddy Manos



Theodore L. Manos
Robertson Hollingsworth Manos & Rahn, LLC
40 Calhoun Street, Suite 330
Charleston, SC 29401
Office (843) 723-6470
Mobile (843) 345-8992
TLM@roblaw.net
www.roblaw.net

From: Eubanks, Tiffany <teubanks@sccourts.org>
Sent: Tuesday, April 21, 2026 11:49 AM
To: Teddy Manos <tlm@roblaw.net>; Jessica Pitts <jpitts@mrhfmlaw.com>; Toal, Jean <JToal@sccourts.org>
Cc: Joshua D. Cagle <jcagle@mrhfmlaw.com>; Beth B. Richardson <brichardson@robinsongray.com>; Melissa King <mking@resolutemgmt.com>; Jessica Laffitte <jlaffitte@gwblawfirm.com>; Peter Protopapas <pdp@rlegalgroup.com>; Dara Carmichael <dcarmichael@robinsongray.com>; Allison Peuterbaugh <allisonpeuterbaugh@piercesloan.com>; Will Early <willearly@piercesloan.com>; Holly Parker <hollyparker@piercesloan.com>
Subject: RE: On Behalf of Chief Justice Toal-- Letter re: Berley(2023-CP-40-02840) April 17, 2026 Hearing on Settlement and Settlement Funds

Good morning, all!

Chief Justice Toal will grant Mr. Manos's request to submit the objections to the Proposed Order by 4:30 pm Friday, April 24, 2026. Thank you

Sincerely,

Tiffany Eubanks
Judicial Law Clerk
SC Court Administration
Office: (803) 734-1800
teubanks@sccourts.org

From: Teddy Manos <tlm@roblaw.net>
Sent: Monday, April 20, 2026 3:01 PM
To: Jessica Pitts <jpitts@mrhfmlaw.com>; Toal, Jean <JToal@sccourts.org>; Eubanks, Tiffany <teubanks@sccourts.org>
Cc: Joshua D. Cagle <jcagle@mrhfmlaw.com>; Beth B. Richardson <brichardson@robinsongray.com>; Melissa King <mking@resolutemgmt.com>; Jessica Laffitte <jlaffitte@gwblawfirm.com>; Peter Protopapas <pdp@rlegalgroup.com>; Dara Carmichael <dcarmichael@robinsongray.com>; Allison Peuterbaugh <allisonpeuterbaugh@piercesloan.com>; Will Early <willearly@piercesloan.com>; Holly Parker <hollyparker@piercesloan.com>
Subject: RE: On Behalf of Chief Justice Toal-- Letter re: Berley(2023-CP-40-02840) April 17, 2026 Hearing on Settlement and Settlement Funds

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Good afternoon, Chief Justice Toal and Ms. Eubanks,

This will respectfully request until Friday, April 24, 2026, at 4:30pm to submit objections to the Proposed Order.

Respectfully,

Teddy Manos



Theodore L. Manos
Robertson Hollingsworth Manos & Rahn, LLC
40 Calhoun Street, Suite 330
Charleston, SC 29401
Office (843) 723-6470
Mobile (843) 345-8992
TLM@roblaw.net
www.roblaw.net

From: Jessica Pitts <jpitts@mrhfmlaw.com>

Sent: Monday, April 20, 2026 2:40 PM

To: Toal, Jean <JToal@sccourts.org>; Eubanks, Tiffany <teubanks@sccourts.org>

Cc: Joshua D. Cagle <jcagle@mrhfmlaw.com>; Beth B. Richardson <brichardson@robinsongray.com>; Melissa King <mking@resolutemgmt.com>; Jessica Laffitte <jlaffitte@gwblawfirm.com>; Peter Protopapas <pdp@rplegalgroup.com>; Dara Carmichael <dcarmichael@robinsongray.com>; Allison Peuterbaugh <allisonpeuterbaugh@piercesloan.com>; Will Early <willearly@piercesloan.com>; Holly Parker <hollyparker@piercesloan.com>; Teddy Manos <tlm@roblaw.net>

Subject: Re: On Behalf of Chief Justice Toal-- Letter re: Berley(2023-CP-40-02840) April 17, 2026 Hearing on Settlement and Settlement Funds

Good afternoon, Chief Justice Toal and Ms. Eubanks,

Attached please find a courtesy copy of a Proposed Order regarding the ACL settlement in the *Berley* matter. This was e-filed earlier this afternoon. Should the Court prefer the document in Word format, please let me know.

Please do not hesitate to contact our office if you should have any questions or concerns.

Thank you,
Jessica



JESSICA PITTS
LITIGATION PARALEGAL
300 WEST COLEMAN BOULEVARD.
SUITE 200
MOUNT PLEASANT, SC 29464
843.388.1330 OFFICE
803.753.9931 FAX
JPITTS@MRHFMLAW.COM

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Thank you.

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From: Holly Parker <hollyparker@piercesloan.com>

Date: Thursday, April 16, 2026 at 11:38 AM

To: Toal, Jean <JToal@sccourts.org>; Eubanks, Tiffany <teubanks@sccourts.org>

Cc: Beth B. Richardson <brichardson@robinsongray.com>; Joshua D. Cagle <jcagle@mrhfmlaw.com>; Melissa King <mking@resolutemgmt.com>; Jessica Laffitte <jlaffitte@gwblawfirm.com>; Peter Protopapas <pdp@rplegalgroup.com>; Dara Carmichael <dcarmichael@robinsongray.com>; Allison Peuterbaugh <allisonpeuterbaugh@piercesloan.com>; Will Early <willearly@piercesloan.com>; Jessica Pitts <jpitts@mrhfmlaw.com>

Subject: RE: On Behalf of Chief Justice Toal-- Letter re: Berley(2023-CP-40-02840) April 17, 2026 Hearing on Settlement and Settlement Funds
Chief Justice Toal and Ms. Eubanks:

Attached is the file-stamped copy of our submission.

Thank you,
Holly

Holly M. Parker | *Paralegal*
Direct: 843.725.7727 | Main: 843.722.7733
321 East Bay Street, Charleston, SC 29401
hollyparker@piercesloan.com | www.piercesloan.com



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From: Will Early <willearly@piercesloan.com>

Sent: Tuesday, April 14, 2026 3:49 PM

To: Jessica Pitts <jpitts@mrhfmlaw.com>; Toal, Jean <JToal@sccourts.org>; Eubanks, Tiffany <teubanks@sccourts.org>

Cc: Beth B. Richardson <brichardson@robinsongray.com>; Joshua D. Cagle <jcagle@mrhfmlaw.com>; Melissa King <mking@resolutemgmt.com>; Jessica Laffitte <jlaffitte@gwblawfirm.com>; Peter Protopapas <pdp@rplegalgroup.com>; Dara Carmichael <dcarmichael@robinsongray.com>; Will Early <willearly@piercesloan.com>; Allison Peuterbaugh <allisonpeuterbaugh@piercesloan.com>; Holly Parker <hollyparker@piercesloan.com>

Subject: Re: On Behalf of Chief Justice Toal-- Letter re: Berley(2023-CP-40-02840) April 17, 2026 Hearing on Settlement and Settlement Funds

Justice Toal,

Attached please find what I plan to file per your request related to the Jenkins matter. Note that I did not provide the supporting emails and proposed release as Mr. Cagle shared those things with me prior to submitting his link to the Court containing the same. Also, I am aware of the Courts concerns about efficiency and filing massive amounts of duplicative papers as it relates to the state's e-filing system. If your honor wishes me to do so, I will but I have practiced in front of this Court enough to know your preferences.

If you have any questions, I am happy to entertain them as the Court has my cell number. I look forward to seeing everyone on Friday.

Will



William P. Early | Partner

Licensed in SC & TN

Direct: 843.725.7716 | Main: 843.722.7733

321 East Bay Street, Charleston, SC 29401

willearly@piercesloan.com | www.piercesloan.com

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From: Jessica Pitts <jpitts@mrhfmlaw.com>

Sent: Tuesday, April 14, 2026 3:36 PM

To: Toal, Jean <JToal@sccourts.org>; Eubanks, Tiffany <teubanks@sccourts.org>

Cc: Beth B. Richardson <brichardson@robinsongray.com>; Joshua D. Cagle <jcagle@mrhfmlaw.com>; Melissa King <mking@resolutemgmt.com>; Will Early <willearly@piercesloan.com>; Jessica Laffitte <jlaffitte@gwblawfirm.com>; Peter Protopapas <pdp@rplegalgroup.com>; Dara Carmichael <dcarmichael@robinsongray.com>

Subject: Re: On Behalf of Chief Justice Toal-- Letter re: Berley(2023-CP-40-02840) April 17, 2026 Hearing on Settlement and Settlement Funds

Good afternoon, Chief Justice Toal,

Plaintiff's counsel filed their response to your letter dated April 10, 2026 (courtesy copy attached). We will provide a file-stamped copy once it's received from the Clerk. A binder with physical copies of all emails, correspondence and applicable settlement documents will be sent to you via FedEx overnight delivery. As a courtesy, the link below contains a copy of all such documents as well. Please do not hesitate to contact our office if you should have any questions or concerns.

Link to materials:

<https://mrhfmlaw.sharefile.com/d-sd13ac77b584a440d9963bd6da523e55d>



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Thank you.

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From: Beth B. Richardson <brichardson@robinsongray.com>

Date: Monday, April 13, 2026 at 6:47 PM

To: Toal, Jean <JToal@sccourts.org>

Cc: Eubanks, Tiffany <teubanks@sccourts.org>, Jessica Pitts <jpitts@mrhfmlaw.com>, Joshua D. Cagle <jcagle@mrhfmlaw.com>, Melissa King <mking@resolutemgmt.com>, Will Early <willearly@piercesloan.com>, Jessica Laffitte <jlaffitte@gwblawfirm.com>, Peter Protopapas <pdp@rplegalgroup.com>, Dara Carmichael <dcarmichael@robinsongray.com>

Subject: RE: On Behalf of Chief Justice Toal-- Letter re: Berley(2023-CP-40-02840) April 17, 2026 Hearing on Settlement and Settlement Funds

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Thank you, Justice Toal. Your position is understood.

BETH BURKE RICHARDSON MEMBER

DIRECT 803.231.7819

cell 803.530.1897

ROBINSONGRAY.COM

From: Toal, Jean <JToal@sccourts.org>

Sent: Monday, April 13, 2026 4:15 PM

To: Beth B. Richardson <brichardson@robinsongray.com>

Cc: Eubanks, Tiffany <teubanks@sccourts.org>; Jessica Pitts <jpitts@mrhfmlaw.com>; jcagle@mrhfmlaw.com; Melissa King <mking@resolutemgmt.com>; Will Early <willearly@piercesloan.com>; Jessica Laffitte <jlaffitte@gwblawfirm.com>; Peter Protopapas <pdp@rplegalgroup.com>; Dara Carmichael <dcarmichael@robinsongray.com>

Subject: Re: On Behalf of Chief Justice Toal-- Letter re: Berley(2023-CP-40-02840) April 17, 2026 Hearing on Settlement and Settlement Funds

Beth: Thank you for this information. I will excuse you from my hearing, but please understand that you should not assume that your excusal should in any respect allow you or any other party or lawyer to infer that I agree with your analysis of the affect of the Canadian Bankruptcy on the matters I will be hearing this Friday. Respectfully, Jean Toal
Sent from my iPhone

On Apr 13, 2026, at 10:26 AM, Beth B. Richardson <brichardson@robinsongray.com> wrote:

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Dear Justice Toal,

Good morning. I hope you had a nice weekend.

Pursuant to your correspondence and order dated Friday, April 17, as you may recall, my firm represents the solvent, Non-Resolute London Market Insurance Companies which provided coverage to ACL. The final settlement agreement for the *Berley* matter was finalized and executed on May 13, 2025, and is attached here. My clients do not contest the validity of the settlement.

As further background related to this timeline, while my clients provided settlement authority for the *Berley* matter in 2024, they were not initially aware of its resolution, nor that settlement negotiations took place. Further, my clients did not have the opportunity to review the originally drafted settlement agreement. Accordingly, in April 2025 the parties revised the settlement agreement further, with it being finalized and executed on May 13, 2025, as referenced above.

On May 6, 2025, ACL initiated bankruptcy proceedings in Canada under the Canadian Companies' Creditors Arrangement Act (CCAA) joined by CLMI (the Resolute London Market Insurers) as an Applicant party. On that same date, ACL initiated a Chapter 15 Bankruptcy Proceeding in the United States Bankruptcy Court for the Southern District of New York, petitioning for Recognition of the Foreign Proceeding. Due to ACL's bankruptcy filing, all matters involving ACL were stayed, and an Amended and Reinstated Initial Order ("ARIO") was filed in the Canadian bankruptcy proceeding

on May 15, 2025 that extended the stay to all insurers of ACL, including my clients. Justice Émond rendered a judgement in the Canadian proceeding on July 30, 2025, which maintained the ARIO. However, the judgment only referenced CLMI and did not list any other insurers. CLMI later requested a revised ARIO which would include the schedule of all ACL insurers, including the solvent, non-Resolute LMC. Accordingly, at a hearing on September 4, 2025, the Canadian Bankruptcy Court granted the Second ARIO and clarified the stay of proceedings was to all ACL Insurers. Furthermore, we note that the U.S. Bankruptcy Court entered an order of provisional relief recognizing the stay of proceedings in May 2025, and later, on October 30, 2025, a Recognition Order was filed recognizing ACL's Canadian bankruptcy proceeding as a foreign main proceeding under Chapter 15 of the U.S. Bankruptcy Code and thus enforcing the stay order in the United States.

Due to the requirements of the stay, payment of the *Berley* settlement must be submitted through the claims process in the CCAA proceeding and can't be paid outside of that process. Thus, my clients cannot fund this or any settlement of ACL without specific instructions from the Canadian and U.S. Bankruptcy Courts. And my clients have not provided any funds related to the *Berley* settlement to Plaintiff's counsel. The funds in possession of Plaintiff's counsel were provided by CMLI.

Finally, I have a previously scheduled mediation starting Friday, April 17, at 10:00 a.m. in Spartanburg. With this report to the court, I respectfully request to be excused from attending the hearing Friday on behalf of my clients, the Non-Resolute London Market Insurance Companies, and regarding the funds sent by CLMI being held in trust by Mr. Cagle.

Thanks in advance for your consideration,

Beth Richardson

<image001.png>

<image002.gif>

BETH BURKE RICHARDSON MEMBER
 DIRECT 803.231.7819 2151 Pickens Street
[VCARD](#) [VIEW BIO](#) Suite 500
[ROBINSONGRAY.COM](#) PO Box 11449 (29211)
 Columbia, SC 29201

<image008.png>

<image005.jpg>

<image004.jpg>

<image006.jpg>

<image007.jpg>

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From: Eubanks, Tiffany <teubanks@sccourts.org>

Sent: Friday, April 10, 2026 11:19 AM

To: jcagle@mrhfmlaw.com; Melissa King <mking@resolutemgmt.com>; Beth B. Richardson <brichardson@robinsongray.com>; Peter Protopapas <pdp@rplegalgroup.com>; Will Early <willearly@piercesloan.com>; Jessica Laffitte <jlaffitte@gwblawfirm.com>

Cc: Toal, Jean <JToal@sccourts.org>; Jessica Pitts <jpitts@mrhfmlaw.com>

Subject: On Behalf of Chief Justice Toal-- Letter re: Berley(2023-CP-40-02840) April 17, 2026 Hearing on Settlement and Settlement Funds

Good morning, all!

Please see the attached letter from Chief Justice Toal regarding the April 17, 2026 hearing in the above-referenced matter. Thank you!

Sincerely,

Tiffany Eubanks

Judicial Law Clerk

SC Court Administration

Office: (803) 734-1800

teubanks@sccourts.org

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<Executed Release and Indemnity Agreement(45620673.1).pdf>

Exhibit E: Proposed *Berley* Settlement Approval Order

|                                       |   |                                 |
|---------------------------------------|---|---------------------------------|
| STATE OF SOUTH CAROLINA               | ) | IN THE COURT OF COMMON PLEAS    |
|                                       | ) |                                 |
| COUNTY OF RICHLAND                    | ) | FIFTH JUDICIAL CIRCUIT          |
|                                       | ) |                                 |
|                                       | ) | C/A No.: 2023-CP-40-02840       |
| PEGGY B. BERLEY, Individually         | ) |                                 |
| and as Personal Representative of the | ) |                                 |
| Estate of BILLY G. BERLEY, deceased,  | ) | <b>ORDER APPROVING WRONGFUL</b> |
|                                       | ) | <b>DEATH AND SURVIVOR</b>       |
|                                       | ) | <b>SETTLEMENT</b>               |
| Plaintiff,                            | ) |                                 |
|                                       | ) |                                 |
| v.                                    | ) |                                 |
|                                       | ) |                                 |
| AECOM ENERGY &                        | ) |                                 |
| CONSTRUCTION, INC., et al.            | ) |                                 |
|                                       | ) |                                 |
| Defendants.                           | ) |                                 |

---

This matter comes before the Court upon a filed Petition to approve a wrongful death and survival settlement filed by Peggy B. Berley, individually and as the duly appointed Personal Representative of the Estate of Billy G. Berley, asking this Court to approve a settlement with Asbestos Corporation Limited (“ACL”). Plaintiff seeks approval of a settlement with this Defendant in this case pursuant to §15-51-42, South Carolina Code of Laws of 1976, as amended.

On or about January 10, 2023, Billy G. Berley was diagnosed with malignant epithelioid mesothelioma of the peritoneum and died on March 11, 2023. Plaintiff alleges that Billy G. Berley died as a result of mesothelioma, contracted by exposure to asbestos containing materials. Plaintiff further alleges that such exposure was caused by the Defendants.

Plaintiff and ACL have entered into an agreement to settle claims for wrongful death and survival. The beneficiaries of the survival and wrongful death settlement have agreed to divide the proceeds as follows: Peggy B. Berley: 100% of the total proceeds.

A copy of the Proposed Settlement Statement and the corresponding Release were filed under seal pursuant to Rule 41.1, SCRCP. Additionally, the Court has reviewed *in camera*, the individual settlement and attorneys' fees, and finds them to be fair and reasonable.

I FIND AND CONCLUDE that the wrongful death and survival settlements between the settling parties are fair and equitable and order that the wrongful death and survival settlements between Plaintiff and this Defendant is approved. I approve the attorneys' fees and expenses and the distribution of 0% to the survival claim and 100% to the wrongful death claim. In addition, all future settlements in this case shall be approved by the Court.

I FURTHER FIND AND CONCLUDE that Plaintiff entered into a valid and enforceable settlement with ACL, executed and delivered a valid and enforceable release in favor of ACL, and that the portion of the agreed settlement amount allocated to Certain Underwriters at Lloyd's, London and certain London market insurance companies ("CLMI") has been transmitted to Plaintiff's counsel, and is currently held in Plaintiff's counsel's trust account (the "*Berley Settlement Funds*"). While this Court makes no finding at this time as to whether the following actions and consent were required for this Court to order the disbursement of the *Berley Settlement Funds*, Raymond Chabot Inc., in its capacity as the Monitor and duly appointed foreign representative of ACL, and CLMI have each provided written consent for Plaintiff's counsel to take further action to obtain approval for the disbursement of the *Berley Settlement Funds*. Plaintiff's counsel is therefore authorized and ordered to distribute the *Berley Settlement Funds* pursuant to the allocation set forth in the Petition for Approval.

I FURTHER FIND AND CONCLUDE that the release in favor of ACL executed and delivered by the Personal Representative of the Estate of Billy G. Berley is valid and enforceable

upon disbursal of the *Berley* Settlement Funds in accordance with this Order and shall be binding upon the Personal Representative and the statutory beneficiaries.

IT IS FURTHER ORDERED that because this settlement has only been partially funded, Plaintiff is not ordered nor required to dismiss her causes of action against ACL at this time. If and when the remainder of the settlement is funded, Plaintiff will be required to then dismiss her causes of action as to ACL with prejudice.

AND IT IS SO ORDERED.

---

Chief Justice Jean H. Toal

\_\_\_\_\_, 2026  
Columbia, South Carolina.

Exhibit F: May 8, 2026 Letter to Justice Toal

**ROBERTSON HOLLINGSWORTH  
MANOS & RAHN, LLC**  
ATTORNEYS AT LAW  
40 Calhoun Street, Suite 330  
Charleston, South Carolina 29401  
Telephone: (843) 723-6470  
[www.roblaw.net](http://www.roblaw.net)

Dunn D. Hollingsworth  
Theodore L. Manos  
Paul R. Rahn  
Jillian S. Barton  
Chandler E. Jackson

May 8, 2026

Via Email [jtoal@sccourts.org](mailto:jtoal@sccourts.org)  
Chief Justice Jean H. Toal  
South Carolina Court Administration Building  
1220 Senate Street, Suite 200  
Columbia, SC 29201

RE: *Peggy B. Berley, Individually and as Personal Representative of the Estate of Billy G. Berley, Deceased v. Aecom Energy & Construction, Inc., et al.* CA No. 2023-CP-40-02840 (“*Berley*”); and *Shirley A. Jenkins, Individually and as Personal Representative of the Estate of Sam Jenkins, Jr., Deceased v. Asbestos Corporation Ltd., et al.* CA No. 2024-CP-40-04703 (“*Jenkins*”)

Dear Chief Justice Toal,

I write on behalf of Certain London Market Insurers (“CLMI”) regarding (1) Chief Judge Glenn’s April 29, 2026, Order Restating and Enforcing the Bankruptcy Stay in *In re Asbestos Corporation Limited*, Case No. 25-10934 (Bankr. S.D.N.Y.) (MG), at Dkt. No. 176 (the “Bankruptcy Stay Order”), and (2) the Notices of Hearing entered by Your Honor on April 30, 2026, setting hearings in *Berley* and *Jenkins* on May 12, 2026 (the “Notices of Hearing”).

**I. *Berley* Settlement Funds Approval and Disbursement**

In the Bankruptcy Stay Order, a copy of which was provided to this Court and to all parties in interest on the date of entry of the order, Judge Glenn ruled that:

“Any further activity in the *Berley* or *Jenkins* proceedings, including the issuance or enforcement of any order directing any payment to claimants in connection with those proceedings, or the making of any such payment, is a violation of the Bankruptcy Stay; provided that this Court makes no ruling at this time regarding the *Berley* Settlement Funds currently held in trust by Maune Raichle, and that, only upon and with the written consent of CLMI and the Monitor, or as ordered by this Court following further briefing and argument, if necessary, the Motion Notice Parties may take further action to obtain approval to disburse the *Berley* Settlement Funds.”

Bankruptcy Stay Order at 2. Following entry of the Bankruptcy Stay Order, counsel for CLMI, counsel for the Monitor, and Maune Raichle, plaintiffs' counsel in *Berley*, have negotiated and agreed upon a joint proposed order that, if entered by Your Honor, would authorize disbursement of the *Berley* Settlement Funds currently held in trust by Maune Raichle. A copy of the joint proposed order has been submitted to Your Honor by Maune Raichle today and is attached hereto.

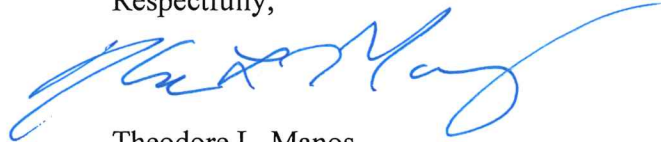
## II. Notices of Hearing

The Notices of Hearing "request that all parties present their views on the effect of the April 29, 2026 Order of Judge Glenn on this Court's ability to hear the issues surrounding the approval of the settlement and release of funds to Mrs. [Berley/Jenkins] to the release she signed," and state that Your Honor "expect[s] all attorneys involved in this matter to be present for this hearing, including Attorneys for CLMI and Resolute."

As set forth above, any further activity in the *Berley* and *Jenkins* cases is currently stayed pursuant to the Bankruptcy Stay Order, with a proviso regarding the *Berley* Settlement Funds as set forth above. Should Your Honor continue to have any questions as to the scope and effect of the Bankruptcy Stay Order, and without in any way waiving the protections recognized therein, the undersigned will attend before Your Honor to answer such questions on behalf of CLMI, and may enlist the assistance of CLMI's counsel in the bankruptcy proceeding to do so. I understand that Resolute Management Inc. ("Resolute") will also have counsel present if the hearing proceeds.

In addition, the Notices of Hearing "require the presence at this hearing of Melissa King," a Resolute employee who administers claims on behalf of CLMI, and the Notices refer to Ms. King's involvement in the *Berley* and *Jenkins* settlements. To the extent the purpose of the hearing is to answer Your Honor's questions concerning the scope and effect of the Bankruptcy Stay Order, those questions will be addressed by CLMI's counsel, and Ms. King has no additional information on that topic. To the extent the purpose of directing Ms. King to attend the hearing is to question her as a witness regarding the *Berley* and/or *Jenkins* settlements, which Your Honor indicated was your intent at the April 17 hearing, CLMI respectfully submits that any such evidentiary hearing is barred by the Bankruptcy Stay Order, and accordingly Ms. King is unable to attend a hearing for such purpose under the terms of the Bankruptcy Stay Order. Also, as a scheduling matter, Ms. King will be present at a hearing in ACL's Canadian CCAA proceedings in Québec City, Québec, on May 11 and 12, and potentially also on May 15.

Respectfully,



Theodore L. Manos

TLM/ejf  
w/attachment

cc: Chief Bankruptcy Judge Martin Glenn  
United States Bankruptcy Court,  
Southern District of New York  
(with attachments)

Exhibit G: May 8, 2026 Email from Justice Toal

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**From:** Eubanks, Tiffany <teubanks@sccourts.org>  
**Sent:** Friday, May 8, 2026 5:08 PM  
**To:** Teddy Manos  
**Cc:** Beth B. Richardson; Melissa King; Jessica Laffitte; Peter Protopapas; Dara Carmichael; Allison Peuterbaugh; Will Early; Holly Parker; Jessica Pitts; Joshua D. Cagle; Toal, Jean  
**Subject:** On Behalf of Chief Justice Toal, RE: May 8, 2026 Letter of Mr. Manos to Chief Justice Toal concerning Berley (2023-CP-40-02840) and Jenkins (2024-CP-40-04703) - 9:30 AM Hearing May 12, 2026, Received via Email May 8, 2026 at 4:25 pm

**[CAUTION EXTERNAL EMAIL]**

Dear Mr. Manos,

I have received your letter of May 8, 2026, copied to Chief Bankruptcy Judge Martin Glenn, United States Bankruptcy Court Southern District of New York. You have not provided me with Judge Glenn's email or contact information, and I will try to send this message to him at a later time.

Please be advised that I expect Ms. Melissa King to attend this hearing. I have been provided by Mr. Cagle in an email of May 8, 2026 at 12:36 pm, copied to you and all others copied on this email, with a Proposed Order in the *Berley* case which represents a consented-to partial settlement of *Berley* with the consent of you and all other interested parties. I intend to discuss this matter with Ms. King and all other attorneys. It reflects, as I understand it, many of the remarks Judge Glenn made in his hearing earlier this week regarding the *Berley* case. Judge Glenn expressed the opinion that the money in Mr. Cagle's trust account could be distributed without any violation of his Order, and his Order reflects the exempting of this transaction.

I also intend to examine the circumstances surrounding the obtaining of releases from Mrs. Jenkins and from Mrs. Berley pursuant to mediation agreements in their cases. Ms. King was directly involved in the *Jenkins* mediation, and I intend to make a record of what occurred with respect to these matters. This will not in any way preclude the parties from arguing about the extent of this Court's authority, and you may make those arguments at Tuesday's hearing. You do not have the authority, nor does anyone, to unilaterally determine this Court's authority to conduct a hearing. There may be limits on the Court's authority with regards to the making of Orders, but that in no way impinges on this Court's authority to examine transactions most of which were previous to any declarations of bankruptcy by ACL.

With kindest regards I am sincerely yours,

**Chief Justice (Ret.) Jean H. Toal**  
Acting Circuit Court Judge

Sincerely,

**Tiffany Eubanks**  
Judicial Law Clerk  
SC Court Administration  
Office: (803) 734-1800  
teubanks@sccourts.org

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