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| STATE OF SOUTH CAROLINA COUNTY OF RICHLAND | IN THE COURT OF COMMON PLEAS FOR THE FIFTH JUDICIAL CIRCUIT |
| JOHN A. TIBBS AND MARGARET B. TIBBS, Plaintiff, Vs. 3M COMPANY, et al., Defendants. | In Re: Asbestos Personal Injury Litigation Coordinated Docket Civil Action No. 2023-CP-40-01759 |

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| STATE OF SOUTH CAROLINA COUNTY OF RICHLAND | IN THE COURT OF COMMON PLEAS FOR THE FIFTH JUDICIAL CIRCUIT |
| KEITH W. PARK, Individually and as the Personal Representative of the Estate of ISABELLA PARK, Plaintiff, Vs. ARMSTRONG INTERNATIONAL, INC., Defendants. | In Re: Asbestos Personal Injury Litigation Coordinated Docket Civil Action No. 2021-CP-40-02727 |

MOTION TO APPROVE CONFIDENTIAL SETTLEMENT AGREEMENT, ESTABLISH QUALIFIED SETTLEMENT FUND, AND RETAIN JURISDICTION INCLUDING FEES

Peter D. Protopapas, as the court-appointed Receiver (the “Receiver”) for Cape PLC, now known as Cape Intermediate Holdings Ltd., as successor in interest to Cape Industries Ltd. (f/k/a Cape Asbestos Company Ltd.) (“Cape”), moves the Court for an order approving a proposed Confidential Master Settlement Agreement (the “Confidential Settlement Agreement”) by and among the Receiver and Anglo American US Holdings Inc.

In support of this Motion, the Receiver states as follows:

1. This Court appointed the Receiver to marshal, preserve, and, as appropriate, liquidate assets of Cape, and to take actions in the best interests of the receivership estate, subject to this Court's supervision and approval.

2. The Confidential Settlement Agreement will result in the resolution and releases of all disputes in South Carolina among the Receiver and Anglo American US Holdings Inc. and its affiliates, including Anglo American plc, De Beers plc, De Beers UK Ltd, De Beers Consolidated Mines (Pty) Ltd, De Beers Centenary AG, Anglo American Crop Nutrients (USA), LLC, De Beers Jewellers Limited, De Beers Jewellers (US), Inc., Element Six US Corporation, Element Six Technologies US Corporation, Forevermark US, Inc., Platinum Guild International (U.S.A.) Jewelry, Inc., and Lightbox Jewelry Inc. (collectively, the "**Anglo American-De Beers Third-Party Defendants**"). The Confidential Settlement Agreement provides for the transfer of funds to a qualified settlement fund, subject to this Court's continuing jurisdiction, known as the "**South Carolina Asbestos Victims Compensation QSF LLC**" ("**the Fund**"), managed by the Receiver. The Confidential Settlement Agreement represents a fair and reasonable compromise of matters in dispute in South Carolina between these parties and will protect the Anglo American-De Beers Third-Party Defendants from all claims filed in South Carolina by asbestos claimants arising out of, or relating to, injuries arising from alleged exposure to asbestos products. Approval will provide certain, immediate value to the estate, avoid the burden, cost, and risk of continued South Carolina litigation, and conserve judicial resources. Under the terms of this agreement, the Fund will defend and indemnify the Anglo American-De Beers Third-Party Defendants in the event they are sued in future South Carolina asbestos cases.

3. The Confidential Settlement Agreement will be submitted *in camera* to this Court for review. The Confidential Settlement Agreement and its performance are contingent upon the approval of this Court.

CONCLUSION

WHEREFORE, the parties respectfully request that the Court enter the proposed approval order, for all of the following reasons:

- a. The proposed Confidential Settlement Agreement will provide substantial funding to the receivership estate for the benefit of South Carolina asbestos claimants asserting claims against the Anglo American-De Beers Third-Party Defendants, and
- b. The proposed Confidential Settlement Agreement will resolve present disputes between the settling parties and eliminate the need for future litigation between the parties.

Based on the foregoing, the Receiver respectfully requests that the proposed approval order be entered.

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Attorneys for Third-Party Plaintiff Peter D. Protopapas, in his capacity as the Court-appointed Receiver (the "Receiver") for Cape PLC, now known as Cape Intermediate Holdings Ltd., as successor in interest to Cape Industries Ltd. (f/k/a Cape Asbestos Company Ltd.)

This 28th Day of October, 2025