

FILED & JUDGMENT ENTERED
Steven T. Salata

August 4 2020

Clerk, U.S. Bankruptcy Court
Western District of North Carolina



J. Craig Whitley
J. Craig Whitley
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

| | | |
|---|---|------------------------------|
| In re | : | Chapter 11 |
| ALDRICH PUMP LLC, <i>et al.</i> , ¹ | : | Case No. 20-30608 (JCW) |
| Debtors. | : | (Jointly Administered) |
| : | | |
| ALDRICH PUMP LLC and MURRAY BOILER LLC, | : | |
| Plaintiffs, | : | |
| v. | : | Adv. Pro. No. 20-03041 (JCW) |
| : | | |
| THOSE PARTIES TO ACTIONS LISTED ON APPENDIX A TO COMPLAINT and JOHN AND JANE DOES 1-1000, | : | |
| Defendants. | : | |

**THIRD AGREED ORDER EXTENDING TIME FOR
ASBESTOS COMMITTEE TO SEEK RECONSIDERATION OF CERTAIN ORDERS**

¹ The Debtors are the following entities (the last four digits of their respective taxpayer identification numbers follow in parentheses): Aldrich Pump LLC (2290) and Murray Boiler LLC (0679). The Debtors' address is 800-E Beaty Street, Davidson, North Carolina 28036.
{00339888 v 1 }



RECITALS

A. On June 18, 2020 (the “Petition Date”), Aldrich Pump LLC and Murray Boiler LLC (the “Debtors”) commenced cases (the “Chapter 11 Cases”) by filing voluntary petitions for relief under chapter 11 of title 11 of the United States Code in this Court.

B. On the Petition Date, the Debtors also commenced an adversary proceeding in the Chapter 11 Case (Adversary Proceeding No. 20-03041 (JCW)) (the “Adversary Proceeding”) in which the Debtors seek certain injunctive and/or declaratory relief.

C. The Court entered the following *ex parte* orders in the Chapter 11 Cases on or shortly after the Petition Date (collectively, the “Chapter 11 Ex Parte Orders”):

- a. *Ex Parte Order Suspending Entry and Service of Standard Notice of Commencement* [Docket No. 53];
- b. *Ex Parte Order (I) Shortening the Notice Period on First Day Pleadings Filed by the Debtors, (II) Limiting the Notice on First Day Pleadings, (III) Scheduling an Emergency Hearing on First Day Pleadings, and (IV) Approving the Form and Manner of Limited Notice Thereof* [Docket No. 54];
- c. *Ex Parte Order Extending the Time Within Which the Debtors Must File Their (A) Schedules of Assets and Liabilities and (B) Statements of Financial Affairs* [Docket No. 62];
- d. *Ex Parte Order Authorizing the Employment and Retention of AlixPartners, LLP as Financial Advisor Effective as of the Petition Date* [Docket No. 63];
- e. *Ex Parte Order Authorizing the Debtors to Retain and Employ Bates White, LLC as Asbestos Consultants as of the Petition Date* [Docket No. 64];
- f. *Ex Parte Order Authorizing Debtors to Retain and Employ Jones Day as Counsel as of the Petition Date* [Docket No. 71];
- g. *Ex Parte Order Approving Employment of Rayburn, Cooper & Durham, P.A. as Attorneys for Debtors and Debtors-in-Possession as of the Petition Date* [Docket No. 72];
- h. *Ex Parte Order Authorizing Debtors to Retain and Employ Evert Weathersby Houff as Special Asbestos Litigation Counsel as of the Petition Date* [Docket No. 74]; and

- i. *Ex Parte Order Authorizing the Debtors to Retain and Employ K&L Gates LLP as Special Insurance Counsel as of the Petition Date [Docket No. 75].*

D. The Court entered the following orders (the “Chapter 11 Orders”) in the Chapter 11 Cases following the first day hearing on June 22, 2020:

- a. *Order Directing the Joint Administration of the Debtors' Chapter 11 Cases [Aldrich Docket No. 114; Murray Docket No. 15];*
- b. *Order Authorizing the Retention and Employment of Kurtzman Carson Consultants LLC as Claims, Noticing, and Ballot Agent [Docket No. 111];*
- c. *Order (I) Authorizing the Filing of (A) Consolidated Master List of Creditors and (B) Consolidated List of 20 Law Firms With Significant Asbestos Cases Against the Debtors in Lieu of Lists of 20 Largest Unsecured Creditors; (II) Approving Certain Notice Procedures for Asbestos Claimants; and (III) Approving the Form and Manner of Notice of Commencement of These Cases [Docket No. 112];*
- d. *Order Establishing Certain Notice, Case Management, and Administrative Procedures [Docket No. 123]; and*
- e. *Order (I) Approving the Continued Use of The Debtors' Bank Accounts, Cash Management System, and Business Forms; (II) Granting a Waiver of the Requirements of Section 345(b) of the Bankruptcy Code; and (III) Authorizing the Debtors' Banks to Charge Certain Fees and Other Amounts [Docket No. 113].*

E. The Court also entered the following orders in the Adversary Proceeding (the “AP Orders” and, collectively with the Chapter 11 *Ex Parte* Orders and the Chapter 11 Orders, the “Orders”):

- a. *Ex Parte Order Granting the Debtors Authority to Exceed Maximum Page Limit [Adv. Pro. Docket No. 11];*
- b. *Ex Parte Order (I) Shortening the Notice Period for Adversary Proceeding Pleadings Filed by the Debtors, (II) Scheduling an Emergency Hearing on the Pleadings, and (III) Approving the Form and Manner of Notice Thereof [Docket No. 12]; and*
- c. *Order Approving Service Procedures for Summons, Complaint, and Other Pleadings [Adv. Pro. Docket No. 23].*

F. The Orders were served on parties in interest over various days beginning on the Petition Date, as confirmed by affidavits of service filed with the Court in the Chapter 11 Cases [Docket Nos. 89, 131, 145 and 152] and the Adversary Proceeding [Adv. Pro. Docket Nos. 22 and 34].

G. Pursuant to Rule 9013-1(f) of the Rules of Practice and Procedure for the United States Bankruptcy Court for the Western District of North Carolina and/or the terms of the Orders, any party was entitled to request that the Court reconsider entry of the Orders within 14 days of service of the applicable Order, which would be various dates starting as early as July 2, 2020, for those Orders that were served on the Petition Date, and extending beyond such date based upon the date of service of the applicable Order (all applicable dates collectively, the “Original Reconsideration Deadline”).

H. On June 25, 2020, the Court entered the *Agreed Order Extending Time for Asbestos Committee to Seek Reconsideration of Certain Orders* [Docket No. 110], providing fourteen days from the date of the appointment of the Official Committee of Asbestos Personal Injury Claimants in these cases (the “Asbestos Committee”) for the Asbestos Committee to move for reconsideration of any of the Orders (the “Original Extended Reconsideration Deadline”).

I. On July 7, 2020, the Court entered an order appointing the Asbestos Committee [Docket No. 147].

J. On July 21, 2020, the Court entered the *Second Agreed Order Extending Time for Asbestos Committee to Seek Reconsideration of Certain Orders* [Docket No. 178], extending the date by which the Asbestos Committee must seek reconsideration of the Orders through and including August 3, 2020 (the “First Extended Reconsideration Deadline”) and extending the date by which the Asbestos Committee must seek reconsideration of the relief requested in the *Motion of the Debtors for an Order Authorizing Them to Perform under Certain Intercompany Agreements with Non-Debtor Affiliate* [Docket No. 26] (the “Intercompany

Motion”) through and including August 3, 2020 (the “First Extended Intercompany Response Deadline”).

K. The Asbestos Committee has requested, and the Debtors have agreed, to further extend the date by which the Asbestos Committee must seek reconsideration of the Orders through and including August 17, 2020 (the “Second Extended Reconsideration Deadline”).

L. Further, the Asbestos Committee has requested, and the Debtors have agreed, to extend the time for the Asbestos Committee to object to the relief requested in the Intercompany Motion through and including August 17, 2020 (the “Second Extended Intercompany Response Deadline”).

IT IS HEREBY ORDERED THAT:

1. The Asbestos Committee may request that the Court reconsider any of the Orders through and including the Second Extended Reconsideration Deadline.
2. The Asbestos Committee may object to the Intercompany Motion through and including the Second Extended Intercompany Response Deadline.

Dated: August 3, 2020
Charlotte, North Carolina

Respectfully Submitted,

/s/ John R. Miller, Jr.
C. Richard Rayburn, Jr. (NC 6357)
John R. Miller, Jr. (NC 28689)
RAYBURN COOPER & DURHAM, P.A.
227 West Trade Street, Suite 1200
Charlotte, North Carolina 28202
Telephone: (704) 334-0891
Facsimile: (704) 377-1897
E-mail: rrayburn@rcdlaw.net
jmiller@rcdlaw.net

-and-

Brad B. Erens (IL Bar No. 06206864)
Mark A. Cody (IL Bar No. 6236871)
Caitlin K. Cahow (IL Bar No. 6317676)
JONES DAY

/s/ Glenn C. Thompson
Glenn C. Thompson (Bar No. 37221)
HAMILTON STEPHENS STEELE
+ MARTIN, PLLC
525 North Tryon Street, Suite 1400
Charlotte, North Carolina 28202
Telephone: (704) 344-1117
Facsimile: (704) 344-1483
Email: gthompson@lawhssm.com

-and-

Natalie D. Ramsey (DE Bar #3946)
Davis Lee Wright (DE Bar #4324)
ROBINSON & COLE, LLP
1201 North Market Street, Suite 1406

77 West Wacker
Chicago, Illinois 60601
Telephone: (312) 782-3939
Facsimile: (312) 782-8585
E-mail: bberens@jonesday.com
macody@jonesday.com
ccahow@jonesday.com
(Admitted *pro hac vice*)

-and-

Gregory M. Gordon (TX Bar No. 08435300)
JONES DAY
2727 N. Harwood Street
Dallas, Texas 75201
Telephone: (214) 220-3939
Facsimile: (214) 969-5100
E-mail: gmgordon@jonesday.com
(Admitted *pro hac vice*)

ATTORNEYS FOR DEBTORS AND
DEBTORS IN POSSESSION

This Order has been signed electronically.
The Judge's signature and Court's seal
appear at the top of the Order.

Wilmington, Delaware 19801
Telephone: (302) 516-1700
Facsimile: (302) 516-1699
E-mail: nramsey@rc.com
dwright@rc.com
(Admitted *pro hac vice*)

-and-

Kevin C. Maclay, Esq.
Todd E. Phillips, Esq.
CAPLIN & DRYSDALE, CHARTERED
One Thomas Circle, NW, Suite 1100
Washington, DC 20005
Telephone: (202) 862-5000
Facsimile: (202) 429-3301
Email: kmaclay@capdale.com
tphillips@capdale.com
(Admitted *pro hac vice*)

PROPOSED COUNSEL TO THE OFFICIAL
COMMITTEE OF ASBESTOS PERSONAL
INJURY CLAIMANTS

United States Bankruptcy Court