

this Motion (the “**Motion**”) for an Order authorizing the filing of certain confidential documents under seal and/or in a redacted format related to the (i) *Complaint for Substantive Consolidation of Debtors’ Estates with Certain Nondebtor Affiliates or, alternatively, to Reallocate Debtors’ Asbestos Liabilities to those Affiliates* [Adv. Dkt. No. 1] (the “**Complaint**”), and (ii) *Motion of the Official Committee of Asbestos Personal Injury Claimants for Substantive Consolidation Debtors’ Estates with Certain Nondebtor Affiliates or, alternatively, to Reallocate Debtors’ Asbestos Liabilities to those Affiliates* (the “**Substantive Consolidation Motion**”)[Adv. Dkt. No. 2, Case No. 20-30608, Dkt. No. 851]. The confidential documents to be sealed and/or redacted are as follows:

- Exhibit 4 to the Complaint. Excerpts from the deposition transcript of Allan Tananbaum, April 5, 2021.
- Exhibit 27 to the Complaint. Excerpts from the 30(b)(6) deposition transcript of Chris Kuehn.
- References to such depositions in the body of the Complaint, which are redacted.
- Exhibit 2 to the Substantive Consolidation Motion. Documents produced in discovery marked as DEBTORS_00051082 through 00051092.
- Exhibit 3 to the Substantive Consolidation Motion. Documents produced in discovery marked as DEBTORS_00050827 through 00050831.
- References to Exhibits 2 and 3 in the body of the Substantive Consolidation Motion, which are redacted.

In support, the Movant respectfully states as follows:

1. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334, and this matter is a core proceeding within the meaning of 28 U.S.C. § 157(b).²

2. The statutory bases for the relief requested herein are 11 U.S.C. § 105(a), 11 U.S.C. § 107(b) and Federal Rule of Bankruptcy Procedure 9018. 11 U.S.C. § 105(a) gives this Court authority to “issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.” The Bankruptcy Code authorizes the Court, in appropriate circumstances, to issue orders to protect entities from potential harm that may result from the disclosure of confidential information. 11 U.S.C. § 107(b). Federal Rule of Bankruptcy Procedure 9018 provides that “[o]n motion or on its own initiative, with or without notice, the court may make any order which justice requires (1) to protect the estate or any entity in respect of . . . confidential . . . commercial information.”

3. The Protective Order was entered on or about September 23, 2020.³ The Protective Order governs the parties’ rights and obligations with respect to “Confidential Information,” defined in the order as:

[I]nformation, documents or things produced or provided (formally or informally) by the Disclosing Party that such Disclosing Party or a Designating Party reasonably believes in good faith contains confidential, proprietary or commercially sensitive information, including, but not limited to, (a) trade secrets, (b) proprietary business information and (c) information implicating an individual’s legitimate expectation of privacy, including medical information and social security numbers. This term shall include information furnished or otherwise disclosed in any manner, including, without limitation, in written form, orally or through any electronic, facsimile or computer-related communication, and also shall include, without limitation, those portions of deposition testimony (whether based upon oral examination or written questions), answers to interrogatories, requests for admissions, responses to requests for admission, notes, summaries, compilations,

² The Committee reserves all rights to object to the Court’s jurisdiction with respect to granting a preliminary injunction protecting non-debtors, and nothing in this request for relief is intended to waive such an argument or act as the Committee’s consent to the appropriateness of jurisdiction here.

³ On October 15, 2020, the Future Claimants’ Representative elected to become a party to the Protective Order. *See Notice of Election of Future Claimants Representative to Become a Party to Modified Protective Order* [Case No. 20-30608, Dkt. No. 395].

memoranda or similar materials disclosing or discussing Confidential Information. Confidential Information also shall include information, documents or things designated by the Disclosing Party or Designating Party as “Confidential – Professional Eyes Only” in accordance with Paragraph J.

Protective Order [Case No. 20-30608, Dkt. No. 345, at 3-4].

4. Section I (Disclosure of Covered Information in the Bankruptcy Proceedings), subparagraph 1 (Protection of Covered Information) of the Protective Order provides that:

[T]he Party seeking to use Covered Information in the court may file a Motion to Seal pursuant to Rule 9037-1 of the Rules of Practice and Procedure of the United States Bankruptcy Court for the Western District of North Carolina and Local Civil Rule 6.1 of the Rules of Practice and Procedure of the United States District Court for the Western District of North Carolina, as appropriate; *provided that* (a) pending a ruling on such Motion to Seal or other agreement or court order that permits the public filing of the materials at issue, the Parties shall maintain the confidentiality of the Covered Information; (b) where necessary, the moving Party may file a redacted copy of its Motion to Seal, brief or other relevant materials, eliminating the Covered Information; and (c) the moving Party may provide an unredacted copy of these materials to the Court under seal to assist in its consideration of the Motion to Seal.

Protective Order [Case No. 20-30608, Dkt. No. 345, at 15].

5. Under the Protective Order, certain deposition testimony in the deposition excerpts attached to the Complaint as Exhibits 4 and 27, and Exhibits 2 and 3 attached to the Substantive Consolidation Motion have been designated as “Confidential Information” by the Debtors and/or the Non-Debtor Affiliates (the “**Confidential Information**”). In accordance with the Protective Order, the Committee has filed such Confidential Information under seal, and has redacted references to the Confidential Information in the body of the Complaint and Substantive Consolidation Motion.

6. The parties have not reached an agreement that avoids the need to file the such Confidential Information under seal. Therefore, the Movant is bringing this Motion to comply with the terms of the Protective Order and the designation of such documents as Confidential

thereunder.

7. The Committee will work with the Debtors and/or the Non-Debtor Affiliates to determine which, if any, of the Confidential Information may be unsealed. By filing this motion, the Committee is not taking a position as to whether the materials were appropriately designated as “Confidential.”

8. As provided for in the Protective Order, the Movant will deliver unsealed copies of the Confidential Information to this Court.

9. WHEREFORE, the Committee respectfully requests that the Court enter an order substantially in the form attached hereto as **Exhibit A**: (a) authorizing the filing of the Confidential Information under Seal, (b) providing that any portion of a hearing requiring the discovery of the Confidential Information be conducted *in camera*, and (c) granting such other and further relief to the Committee as the Court may deem proper.

Dated: October 19, 2021

HAMILTON STEPHENS STEELE
+ MARTIN, PLLC

/s/ Robert A. Cox, Jr.

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*Counsel to the Official Committee
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Exhibit A

**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

OFFICIAL COMMITTEE OF ASBESTOS PERSONAL INJURY CLAIMANTS,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Adversary Proceeding
	:	
ALDRICH PUMP LLC,	:	No. 21-03029
MURRAY BOILER LLC,	:	
TRANE TECHNOLOGIES COMPANY LLC,	:	
and TRANE U.S. INC.,	:	
	:	
Defendants.	:	

**[PROPOSED] ORDER GRANTING MOTION OF THE OFFICIAL COMMITTEE OF
ASBESTOS PERSONAL INJURY CLAIMANTS
TO FILE CONFIDENTIAL DOCUMENTS UNDER SEAL**

¹ The “**Debtors**” are the following entities (the last four digits of the Debtors’ taxpayer identification number follow in parentheses): Aldrich Pump LLC (2290) and Murray Boiler (0679). The Debtors’ address is 800 E. Beaty Street, Davidson, North Carolina 28036.

Upon consideration of the Motion of the Official Committee of Asbestos Personal Injury Claimants (the “Committee”) to file confidential documents under seal (the “Motion”); and the Committee having demonstrated upon the record herein good cause for the relief requested in the Motion; and after due deliberation

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. The Confidential Information (as defined in the Motion) contained in and/or attached to the (i) *Complaint for Substantive Consolidation of Debtors’ Estates with Certain Nondebtor Affiliates or, alternatively, to Reallocate Debtors’ Asbestos Liabilities to those Affiliates* [Adv. Dkt. No. 1] (the “**Complaint**”), and (ii) *Motion of the Official Committee of Asbestos Personal Injury Claimants for Substantive Consolidation of Debtors’ Estates with Certain Nondebtor Affiliates or, alternatively, to Reallocate Debtors’ Asbestos Liabilities to those Affiliates* (the “**Substantive Consolidation Motion**”)[Adv. Dkt. No. 2; Case No. 20-30608, Dkt. No. 851] are to remain filed on the public docket in a redacted format.
3. The references in the Complaint and the Substantive Consolidation Motion to the Confidential Information are to be redacted from the version of such documents filed on the public docket.
4. This Court shall retain jurisdiction with respect to all matters relating to the interpretation or implementation of this Order.

This order has been signed electronically. The Judge's signature and Court's seal appear at the top of this Order.	United States Bankruptcy Court Western District of North Carolina
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**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
OFFICIAL COMMITTEE OF ASBESTOS PERSONAL INJURY CLAIMANTS,	:	
Plaintiff,	:	
v.	:	Adversary Proceeding
	:	No. 21-03029
ALDRICH PUMP LLC, MURRAY BOILER LLC, TRANE TECHNOLOGIES COMPANY LLC, and TRANE U.S. INC.,	:	
Defendants.	:	

NOTICE OF HEARING

PLEASE TAKE NOTICE that on October 19, 2021 the Official Committee of Asbestos Personal Injury Claimants filed a *Motion to File Confidential Information Under Seal* (the "Motion") in this case.

PLEASE TAKE FURTHER NOTICE that your rights may be affected by the Motion. You should read the Motion carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult with one.

PLEASE TAKE FURTHER NOTICE that, pursuant to Fed. R. Bankr. P. 9006 and the Case Management Order, written responses, if any, must be filed on or before **November 2, 2021** (the "Response Deadline"), in order to be considered. If you do not want the Court to grant the relief requested in the Motion, or if you oppose it in any way, you **MUST**:

1. File a formal, written response with the Bankruptcy Court at:

¹ The "**Debtors**" are the following entities (the last four digits of the Debtors' taxpayer identification number follow in parentheses): Aldrich Pump LLC (2290) and Murray Boiler (0679). The Debtors' address is 800 E. Beaty Street, Davidson, North Carolina 28036.

Clerk, United States Bankruptcy Court
Charles Jonas Federal Building
401 West Trade Street
Charlotte, North Carolina 28202

2. Serve a copy of your response on all parties in interest, including:
 - a) U.S. Bankruptcy Administrator
402 West Trade Street
Charlotte, NC 28202
 - b) HAMILTON STEPHENS STEELE + MARTIN, PLLC
Glenn C. Thompson
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PLEASE TAKE FURTHER NOTICE that a hearing on the Motion will be held on **November 17, 2021 at 1:00 p.m. (ET)** before the Honorable J. Craig Whitley at the United States Bankruptcy Court, Charles Jonas Federal Building, Courtroom 2B, 401 West Trade Street, Charlotte, North Carolina 28202.

PLEASE TAKE FURTHER NOTICE that, if you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an Order granting the relief requested. No further notice of the hearing will be given.

Dated: October 19, 2021
Charlotte, North Carolina

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