

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

In re

ALDRICH PUMP LLC, *et al.*,¹

Debtors.

Chapter 11

Case No. 20-30608 (JCW)

(Jointly Administered)

OFFICIAL COMMITTEE OF ASBESTOS
PERSONAL INJURY CLAIMANTS, on behalf of
the estates of Aldrich Pump LLC and Murray Boiler
LLC,

Plaintiff,

Adv. Pro. No. 22-03028

v.

INGERSOLL-RAND GLOBAL HOLDING
COMPANY LIMITED, TRANE TECHNOLOGIES
HOLDCO INC., TRANE TECHNOLOGIES
COMPANY LLC, TRANE INC., TUI HOLDINGS
INC., TRANE U.S. INC., and MURRAY BOILER
HOLDINGS LLC,

Defendants.

MOTION TO FILE CONFIDENTIAL INFORMATION UNDER SEAL

The Official Committee of Asbestos Personal Injury Claimants (the “**Committee**” or “**Movant**”), plaintiff herein, by and through undersigned counsel, pursuant to 11 U.S.C. § 105(a), 11 U.S.C. § 107(b), Rule 9018 of the Federal Rules of Bankruptcy Procedure, Rule 6.1 of the Rules of Practice and Procedure of the United States District Court for the Western District of North Carolina and Section I.1 of the Agreed Protective Order Governing Confidential Information (Case

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.



No. 20-30608, Dkt. No. 345) entered on September 23, 2020 (“**Protective Order**”), hereby files this Motion (the “**Motion**”) for an Order authorizing Movant to file the *Complaint* [Adv. Dkt. No. 1] (the “**Complaint**”) with certain confidential information contained therein filed under seal.

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,

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].

(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, 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. On June 18, 2022, Movant filed the Complaint initiating the above-referenced adversary proceeding. The Complaint contains allegations derived from documents and/or deposition testimony that have been designated as "Confidential Information" by the Debtors and/or affiliates of the Debtors (the "**Confidential Information**"). In accordance with the Protective Order, Movant has redacted such references to the Confidential Information in the body of the Complaint filed with the Court.

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

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

8. As provided for in the Protective Order, Movant will deliver an unredacted copy of the Complaint to the Court.

WHEREFORE, Movant 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 as contained in the Complaint 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 Movant as the Court may deem proper.

Dated: June 18, 2022

HAMILTON STEPHENS STEELE
+ MARTIN, PLLC

/s/ Robert A. Cox, Jr.

Glenn C. Thompson (Bar No. 37221)
Robert A. Cox, Jr. (Bar No. 21998)
525 North Tryon Street, Suite 1400
Charlotte, North Carolina 28202
Telephone: (704) 344-1117
Facsimile: (704) 344-1483
Email: gthompson@lawhssm.com
rcox@lawhssm.com

*Local Counsel for the Official Committee of
Asbestos Personal Injury Claimants*

ROBINSON & COLE LLP

Natalie D. Ramsey (admitted *pro hac vice*)
Davis Lee Wright (admitted *pro hac vice*)
1201 North Market Street, Suite 1406
Wilmington, Delaware 19801
Telephone: (302) 516-1700
Facsimile: (302) 516-1699
Email: nramsey@rc.com
dwright@rc.com

*Counsel to the Official Committee
of Asbestos Personal Injury Claimants*

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

*Counsel to the Official Committee of Asbestos
Personal Injury Claimants*

WINSTON & STRAWN LLP
David Neier (admitted *pro hac vice*)
George Mastoris (admitted *pro hac vice*))
Carrie V. Hardman (admitted *pro hac vice*)
Benjamin Sokoly (admitted *pro hac vice*)
200 Park Avenue
New York, NY 10166
Telephone: (212) 294-6700
Fax: (212) 294-4700
Email: dneier@winston.com
gmastoris@winston.com
chardman@winston.com
bsokoly@winston.com

*Special Litigation Counsel to the Official Committee
of Asbestos Personal Injury Claimants*

EXHIBIT A

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

In re

ALDRICH PUMP LLC, *et al.*,¹

Debtors.

OFFICIAL COMMITTEE OF ASBESTOS
PERSONAL INJURY CLAIMANTS, on behalf of
the estates of Aldrich Pump LLC and Murray Boiler
LLC,

Plaintiff,

v.

INGERSOLL-RAND GLOBAL HOLDING
COMPANY LIMITED, TRANE TECHNOLOGIES
HOLDCO INC., TRANE TECHNOLOGIES
COMPANY LLC, TRANE INC., TUI HOLDINGS
INC., TRANE U.S. INC., and MURRAY BOILER
HOLDINGS LLC,

Defendants.

Chapter 11

Case No. 20-30608 (JCW)

(Jointly Administered)

Adv. Pro. No. 22-03028

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.

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

Upon consideration of the Motion of the Official Committee of Asbestos Personal Injury Claimants (the “**Committee**”) to file the Complaint with confidential information contained therein filed under seal [Adv. Dkt. 2] (the “**Motion**”); and based upon the statements of counsel at that hearing on _____, 2022, and for good cause shown:

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED in part.
2. Any references in the *Complaint* [Adv. Dkt. No. 1] (the “**Complaint**”) to Confidential Information shall remain redacted in the Complaint filed on the public docket.
3. 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

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

In re

ALDRICH PUMP LLC, *et al.*,¹

Debtors.

OFFICIAL COMMITTEE OF ASBESTOS
PERSONAL INJURY CLAIMANTS, on behalf of
the estates of Aldrich Pump LLC and Murray Boiler
LLC,

Plaintiff,

v.

INGERSOLL-RAND GLOBAL HOLDING
COMPANY LIMITED, TRANE TECHNOLOGIES
HOLDCO INC., TRANE TECHNOLOGIES
COMPANY LLC, TRANE INC., TUI HOLDINGS
INC., TRANE U.S. INC., and MURRAY BOILER
HOLDINGS LLC,

Defendants.

Chapter 11

Case No. 20-30608 (JCW)

(Jointly Administered)

Adv. Pro. No. 22-03028

NOTICE OF HEARING

PLEASE TAKE NOTICE that The Official Committee of Asbestos Personal Injury Claimants (the “**Committee**”) filed a *Motion to File Confidential Documents Under Seal* (the “**Motion**”) related to the Complaint [Adv. Dkt. No. 1].

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

PLEASE TAKE FURTHER NOTICE that if you do not want the Court to grant the relief requested in the Motion, or if you oppose it in any way, then on or before **July 5, 2022** you **MUST**:

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.

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

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, North Carolina 28202

 - b) HAMILTON STEPHENS STEELE + MARTIN, PLLC
Glenn C. Thompson
Robert A. Cox, Jr.
525 North Tryon Street, Suite 1400
Charlotte, North Carolina 28202

 - c) ROBINSON & COLE LLP
Natalie D. Ramsey
Davis Lee Wright
1000 N. West Street, Suite 1200
Wilmington, Delaware 19801

 - d) CAPLIN & DRYSDALE, CHARTERED
Kevin C. Maclay
Jeffrey A. Liesemer
Todd E. Phillips
One Thomas Circle NW, Suite 1100
Washington, DC 20005

 - e) WINSTON & STRAWN LLP
David Neier
George Mastoris
Carrie V. Hardman
Benjamin Sokolya
200 Park Avenue
New York, NY 10166

If you do not want the Court to grant the relief requested in the Motion or if you want the Court to consider your views on the Motion, then you or your attorney should attend the hearing on **July 28, 2022 at 9:30 a.m.** 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 the Court may grant the relief requested in the Motion. No further notice of the hearing on the Motion will be given.

Dated: June 18, 2022
Charlotte, North Carolina

HAMILTON STEPHENS STEELE
+ MARTIN, PLLC

/s/ Robert A. Cox, Jr.
Glenn C. Thompson (Bar No. 37221)
Robert A. Cox, Jr. (Bar No. 21998)
525 North Tryon Street, Suite 1400
Charlotte, North Carolina 28202
Telephone: (704) 344-1117
Facsimile: (704) 344-1483
Email: gthompson@lawhssm.com

*Local Counsel for the Official Committee of
Asbestos Personal Injury Claimants*

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

*Counsel to the Official Committee of Asbestos
Personal Injury Claimants*

ROBINSON & COLE LLP
Natalie D. Ramsey (admitted *pro hac vice*)
Davis Lee Wright (admitted *pro hac vice*)
1201 North Market Street, Suite 1406
Wilmington, Delaware 19801
Telephone: (302) 516-1700
Facsimile: (302) 516-1699
Email: nramsey@rc.com
dwright@rc.com

*Counsel to the Official Committee
of Asbestos Personal Injury Claimants*

WINSTON & STRAWN LLP
David Neier (admitted *pro hac vice*)
George Mastoris (admitted *pro hac vice*))
Carrie V. Hardman (admitted *pro hac vice*)
Benjamin Sokoly (admitted *pro hac vice*)
200 Park Avenue
New York, NY 10166
Telephone: (212) 294-6700
Fax: (212) 294-4700
Email: dneier@winston.com
gmastoris@winston.com
chardman@winston.com
bsokoly@winston.com

*Special Litigation Counsel to the Official Committee
of Asbestos Personal Injury Claimants*