

ALDRICH PUMP LLC and MURRAY BOILER LLC, by and through their undersigned counsel, defendants.

TRANE TECHNOLOGIES PLC, TRANE TECHNOLOGIES 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, by and through their undersigned counsel, defendants.

SARA BROWN, RICHARD DAUDELIN, MARC DUFOUR, HEATHER HOWLETT, CHRISTOPHER KUEHN, MICHAEL LAMACH, RAY PITTARD, DAVID REGNERY, AMY ROEDER, ALLAN TANANBAUM, EVAN TURTZ, MANLIO VALDES, and ROBERT ZAFARI, by and through their undersigned counsel, defendants.

November 14, 2022

VIA ECF AND EMAIL

Hon. J. Craig Whitley, U.S.B.J.
United States Bankruptcy Court
for the Western District of North Carolina
401 W. Trade Street, Suite 2401
Charlotte, NC 28202

Re: *In re Aldrich Pump LLC*, Case No. 20-30608 (the “Bankruptcy Case”); Adv. Pro. No. 21-03029 (the “SubCon Proceeding”); Adv. Pro. No. 22-03028 (the “Fraudulent Transfer Proceeding”); Adv. Pro. No. 22-03029 (the “Fiduciary Duty Proceeding,” and together with the SubCon Proceeding and the Fraudulent Transfer Proceeding, the “Adversary Proceedings”)

Dear Judge Whitley:

Defendants to the above-captioned Adversary Proceedings (collectively, “**Defendants**”) submit this letter in connection with the November 16, 2022 hearing scheduled in *DBMP*.¹ Defendants submit this letter in recognition of the possibility that the Court’s ruling on certain discovery issues in *DBMP* may impact the Court’s ruling on similar issues in the Adversary Proceedings.

Defendants have been working with the Committee on the terms of a case management order governing the Adversary Proceedings (the “**AM CMO**”) since

¹ Defendants are comprised of Aldrich Pump LLC (“**Aldrich**”), Murray Boiler LLC (“**Murray**,” and together with Aldrich, the “**Debtors**”), Trane Technologies plc, Trane Technologies Company LLC, Trane U.S. Inc., Trane Technologies Global Holding Company Limited, Trane Technologies HoldCo Inc., Trane Inc., TUI Holdings Inc., Murray Boiler Holdings LLC and the following 13 individual defendants to the Fiduciary Duty Proceeding: Sara Brown, Richard Daudelin, Marc Dufour, Heather Howlett, Christopher Kuehn, Michael Lamach, Ray Pittard, David Regnery, Amy Roeder, Allan Tananbaum, Evan Turtz, Manlio Valdes, and Robert Zafari.



August 2022. Although important factual and legal differences between this case and *DBMP* exist, the form of the A/M CMO was based on the CMO entered in the *DBMP* proceedings presently pending before this Court [*In re DBMP LLC*, Case No. 20-30080, Dkt. No. 1439] (the “**DBMP CMO**”) and carries forward its overall structure and framework.

Defendants recently learned of the following three CMO and discovery-related disputes in *DBMP*, as set forth in an October 25, 2022 joint letter to the Court in that case [Adv. Pro. No. 22-03001, Dkt. No. 95]:

- (1) whether the fiduciary duty proceeding should be stayed in its entirety, including all discovery in that proceeding, pending entry of final orders in the fraudulent transfer and substantive consolidation proceedings;
- (2) whether the parties should be precluded from engaging in document, written, and deposition discovery already conducted in connection with the prior preliminary injunction proceeding; and
- (3) whether the Committee can expand discovery to electronically-stored information on mobile devices, including cell phones or tablets, after previously agreeing such information is not reasonably accessible, and, in any event, whether the burdens and costs of such discovery are proportional to the needs of the case.

Given the similarities between the draft A/M CMO and the *DBMP* CMO, and given the similarities between the pending proceedings and prior discovery plans in both cases, Defendants believe these same CMO and discovery-related disputes either presently exist or will likely recur in this case.

Defendants understand the Court intends to rule on these three issues at the November 16 hearing in *DBMP*. Given the timing of the Court’s potential ruling in *DBMP*, on November 9, Defendants proposed certain limited revisions to the then-current draft of the A/M CMO to address the three disputes at issue in *DBMP*. Defendants further advised the Committee of their desire to be heard on these three issues before the Court’s ruling in *DBMP* and requested a meet-and-confer call with the Committee on November 10 or 11 to discuss their proposed revisions and an agreed-upon procedure for submitting any disputes to the Court.

Last night, the Committee advised Defendants that it was still considering Defendants’ proposed revisions to the A/M CMO and would only be available for a meet-and-confer call *after* the November 16 hearing in *DBMP*. The Committee further proposed to submit any disputes to the Court at the omnibus hearing on December 14.

While it seems unlikely that the Committee's positions on these three issues here will differ from the positions taken by the Committee in *DBMP*, Defendants are willing to conduct the proposed meet-and-confer call with the Committee at a later date. However, Defendants are concerned that the Court's rulings on these types of procedural issues in *DBMP* may practically bind Defendants in this case without any opportunity to be heard. Defendants, therefore, respectfully request an opportunity to be heard on these three issues prior to any ruling by the Court in *DBMP*.

Respectfully submitted,

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