

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

THE ARMSTRONG WORLD INDUSTRIES, INC.  
ASBESTOS PERSONAL INJURY SETTLEMENT  
TRUST, *et al.*,

Plaintiffs,

v.

ALDRICH PUMP LLC, *et al.*,

Defendant.

Case No. 22-303 (JCW)  
(Transferred from the  
District of Delaware)

**STATEMENT OF ISSUES ON APPEAL OF ORDER  
AND DESIGNATION OF THE RECORD**

NOW COME Non-Party Certain Matching Claimants (collectively, the “Appellants”), by and through the undersigned counsel, and hereby provide, pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Rule 8006-1 of the Rules of Practice and Procedure of the United States Bankruptcy Court for the Western District of North Carolina (the “Bankruptcy Court”), their (i) statement of issues to be presented on appeal and (ii) designation of the items to be included in the record on appeal, in connection with the appeal to the United States District Court for the Western District of North Carolina (the “District Court”) from the Bankruptcy Court’s February 6, 2023 *Order Denying Non-Party Certain Matching Claimants’ Motion to Proceed Anonymously and Joinder of the Kazan McClain Matching Claimants to Non-Party Certain Matching Claimant’s Reply in Support of Motion to Proceed Anonymously* (Dkt. 42).

**I. Statement of Issues on Appeal of Sanctions Order**



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1. Whether the Bankruptcy Court erred in denying the Appellants’ Motion to Proceed Anonymously and requiring the Appellants’ names to be placed in the record and provided to Debtors.

**II. Designation of Record for Appeals**

The Appellants designate the following items to be included in the record on appeal, together with all exhibits, attachments, and documents incorporated by reference therein:

*Armstrong World Industries, Inc. Asbestos Personal Injury Settlement Trust v. Non-Party Certain Matching Claimants et al - 22-00303.*

	<b>Docket No.</b>	<b>Docket Entry Date</b>	<b>Docket Description</b>
1.	1	10/03/2022	Order Transferring to the United States Bankruptcy Court for the Western District of North Carolina filed in the United States District Court for the Western District of North Carolina. Case No: 3:22-mc-00166-RJC-DSC.
2.	2	10/03/2022	Docket Report from the U.S. District Court Western District of North Carolina.
3.	3	10/03/2022	Docket Report and Document 1 filed in the US District Court of Delaware. (Attachments: # 1 MOTION of Third-Party Asbestos Trusts to Quash or Modify Subpoenas)
4.	4	10/03/2022	Docket Report and Documents 2-10 filed in the US District Court of Delaware. (Attachments: # 1 Notice, Consent, and Referral # 2 Motion to Quash # 3 Declaration # 4 Stipulation to Extend Time to Respond to Motion to Quash # 5 So Ordered, re 5 Stipulation to Extend Time # 6 Stipulation to Extend Time # 7 So Ordered re 7 Stipulation to Extend Time # 8 Motion to Stay # 9 Memorandum in Opposition)
5.	5	10/03/2022	Docket Report and Documents 11-18 filed in the US District Court of Delaware. (Attachments: # 1 Declaration # 2 Disclosure Statement pursuant to Rule 7.1 # 3 Motion to Quash Non-Party Certain Matching Claimants' # 4 Motion to Proceed Anonymously # 5 Motion to Quash # 6 Notice of Withdrawal of Motion to Stay # 7 Motion to Transfer Subpoena-Related Motions # 8 Opening Brief)
6.	6	10/03/2022	Docket Report and Document 19-30 filed in the US District Court of Delaware. (Attachments: # 1 Declaration # 2 Reply Brief # 3 Answering Brief in Opposition # 4 Declaration # 5 Reply to Response)

			to Motion # 6 Answering Brief in Opposition # 7 Declaration # 8 Reply to Response to Motion # 9 Reply to Response to Motion # 10 Request for Oral Argument # 11 Joinder by Kazan McClain Matching Claimants # 12 Joinder by Kazan McClain Matching Claimants)
	<b>Docket No.</b>	<b>Docket Entry Date</b>	<b>Docket Description</b>
7.	7	10/03/2022	Docket Report and Documents 31-40 filed in the US District Court of Delaware. (Attachments: # 1 Answering Brief in Opposition # 2 Answering Brief in Opposition # 3 Declaration # 4 Response to Motion # 5 Answering Brief in Opposition # 6 Declaration # 7 Stipulation Regarding Word Count of Reply Brief # 8 Order # 9 Reply Brief # 10 Memorandum Order)
8.	8	10/03/2022	Docket Report and Documents 41-44 filed in the U.S. District Court of North Carolina, Western District. (Attachments: # 1 Case transferred in from District of Delaware # 2 Motion for Leave to Appear Pro Hac Vice as to Daniel K. Hogan # 3 Order granting 42 Motion for Leave to Appear Pro Hac Vice # 4 Transfer Order to Bankruptcy)
9.	9	10/04/2022	Court Notice of Transferred Miscellaneous Proceeding Case.
10.	10	10/04/2022	Court Notice of Status Hearing (RE: related document(s) 1 Order Transferring Case). Status hearing to be held on 10/27/2022 at 09:30 AM at 3-JCW Courtroom 2B.
11.	11	10/05/2022	Notice of Appearance and Request for Notice filed by Lance P. Martin on behalf of Armstrong World Industries, Inc. Asbestos Personal Injury Settlement Trust, Celotex Asbestos Settlement Trust, DII Industries, LLC Asbestos PI Trust, Federal-Mogul Asbestos Personal Injury Trust, Flintkote Asbestos Trust, Owens Corning / Fibreboard Asbestos Personal Injury Trust, Pittsburgh Corning Corporation Asbestos Personal Injury Settlement Trust, The Babcock & Wilcox Company Asbestos PI Trust, United States Gypsum Asbestos Personal Injury Settlement Trust, WRG Asbestos PI Trust.
12.	12	10/05/2022	Notice of Appearance and Request for Notice filed by Paul A. Fanning on behalf of Armstrong World Industries, Inc. Asbestos Personal Injury Settlement Trust, Celotex Asbestos Settlement Trust, DII Industries, LLC Asbestos PI Trust, Federal-Mogul Asbestos Personal Injury Trust, Flintkote Asbestos Trust, Owens Corning / Fibreboard Asbestos Personal Injury Trust, Pittsburgh Corning Corporation Asbestos Personal Injury Settlement Trust, The Babcock & Wilcox Company Asbestos PI Trust, United States Gypsum Asbestos Personal Injury Settlement Trust, WRG Asbestos PI Trust.
13.	13	10/05/2022	Notice of Appearance and Request for Notice filed by Norman J Leonard on behalf of Armstrong World Industries, Inc. Asbestos Personal Injury Settlement Trust, Celotex Asbestos Settlement Trust, DII Industries, LLC Asbestos PI Trust, Federal-Mogul Asbestos

			Personal Injury Trust, Flintkote Asbestos Trust, Owens Corning / Fibreboard Asbestos Personal Injury Trust, Pittsburgh Corning Corporation Asbestos Personal Injury Settlement Trust, The Babcock & Wilcox Company Asbestos PI Trust, United States Gypsum Asbestos Personal Injury Settlement Trust, WRG Asbestos PI Trust.
	<b>Docket No.</b>	<b>Docket Entry Date</b>	<b>Docket Description</b>
14.	16	10/24/2022	Notice of Hearing (RE: related document(s) 3 Other Document, 4 Other Document, 5 Other Document) filed by John R. Miller Jr. on behalf of Aldrich Pump LLC, Murray Boiler LLC. Hearing scheduled for 11/30/2022 at 01:00 PM at 3-JCW Courtroom 2B. (Miller, John)Modified on 10/25/2022
15.	23	10/31/2022	Amended Notice of Hearing (RE: related document(s) 3 Other Document, 4 Other Document, 5 Other Document) filed by John R. Miller Jr. on behalf of Aldrich Pump LLC. Hearing scheduled for 11/30/2022 at 09:30 AM at 3-JCW Courtroom 2B.
16.	28	11/28/2022	Notice of Proposed Agenda of Matters Scheduled for Hearing on Wednesday, November 30, 2022 at 9:30 am filed by John R. Miller Jr. on behalf of Aldrich Pump LLC.
17.	31	11/29/2022	Amended Notice of Proposed Agenda of Matters Scheduled for Hearing on Wednesday, November 30, 2022 at 9:30 am (RE: related document(s) 28 Other Document filed by Defendant Aldrich Pump LLC) filed by John R. Miller Jr. on behalf of Aldrich Pump LLC.
18.	35	12/05/2022	Transcript for Hearing/Trial held on 11/30/2022.
19.	37	01/24/2023	Notice of Proposed Agenda of Matters Scheduled for Hearing on Thursday, January 26, 2023 at 9:30 am filed by John R. Miller Jr. on behalf of Aldrich Pump LLC.
20.	39	01/30/2023	Transcript for Hearing/Trial held on 1/26/2023.
21.	42	02/06/2023	Order Denying Non-Party Certain Matching Claimants' Motion to Proceed Anonymously and Joinder of the Kazan McClain Matching Claimants to Non-Party Certain Matching Claimant's Reply in Support of Motion to Proceed Anonymously
22.	43	02/10/2023	Notice of Proposed Agenda of Matters Scheduled for Hearing on Tuesday, February 14, 2023 at 1:00 pm filed by John R. Miller Jr. on behalf of Aldrich Pump LLC.
23.	48	02/17/2023	Transcript for Hearing/Trial held on 2/14/2023.
24.	49	02/20/2023	Notice of Appeal to District Court.

Respectfully submitted, this the 6<sup>th</sup> day of March, 2023.

Respectfully submitted,

**WALDREP WALL BABCOCK**

**& BAILEY PLLC**

/s/ Thomas W. Waldrep, Jr.

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-and-

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing STATEMENT OF ISSUES ON APPEAL OF ORDER AND DESIGNATION OF THE RECORD was filed in accordance with the local rules and served upon all parties registered for electronic service and entitled to receive notice thereof through the CM/ECF system.

Respectfully submitted, this the 6th day of March, 2023.

**WALDREP WALL BABCOCK  
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