

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

AC&S ASBESTOS SETTLEMENT TRUST <i>et al.</i> ,	:	
	:	
Petitioners,	:	Miscellaneous Pleading
vs.	:	No. 23-00300 (JCW)
ALDRICH PUMP LLC and MURRAY BOILER LLC,	:	(Transferred from District of New Jersey)
	:	
Respondents,	:	
VERUS CLAIM SERVICES, LLC,	:	
	:	
Interested Party,	:	
	:	
NON-PARTY CERTAIN MATCHING CLAIMANTS,	:	
	:	
Interested Party.	:	

**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 22, 2023 *Order Denying Motion to Proceed Anonymously* (Dkt. 21).



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

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:

***AC&S Asbestos Settlement Trust et al. v. Aldrich Pump LLC et al.***  
**23-00300**

	<b>Docket No.</b>	<b>Docket Entry Date</b>	<b>Docket Description</b>
1.	1	01/11/2023	Order Received on 1/11/2023 from the United States District Court, District of New Jersey (Trenton) Transferring Case to United States Bankruptcy Court for the Western District of NC. Case No: 3:22-cv-05116-TJB-MAS; Signed by US Magistrate Judge Tonianne J. Bongiovanni on 1/4/2023.
2.	2	01/12/2023	Docket Report and Documents 1-10 from The U.S. District Court of New Jersey- (Trenton). (bfm) (Attachments: (1) Docket Report, (2) MOTION to Quash/Compel/Enforce Subpoenas, (3) Third Party Litigation Funding disclosure statement pursuant to L.Civ.R 7.1.1(a)(1-3), (4) NOTICE of Appearance by MICHAEL ANDREW KAPLAN, (5) NOTICE of Appearance by RACHEL MOSESON DIKOVICS, (6) MOTION to Quash/Compel/Enforce Subpoena and to Stay, (7) Corporate Disclosure Statement by VERUS CLAIMS SERVICES, LLC., (8) Exhibit to Motion to Quash/Compel/Enforce, (9)NOTICE of Appearance by ZACHARY D. WELLBROCK, (10) Letter from Lynda A. Bennett, (11) Letter re MOTION to Quash/Compel/Enforce Subpoena and to Stay).
3.	3	01/12/2023	Documents 12-21 from The U.S. District Court of New Jersey- (Trenton). (bfm) (Attachments: (1) MOTION for Leave to Appear Pro Hac Vice for Joseph F. Pacelli, (2) MOTION to Quash/Compel/Enforce , filed by Non-Party Certain Matching Claimants, (3) MOTION to Proceed Anonymously by Non-Party Certain Matching Claimants, (4) CONSENT ORDER directing Respondents to file and serve the Motion to Transfer no later than 9/6/2022, (5) MOTION for Leave to Appear Pro Hac Vice for C. Michael Evert, Jr., (6) MOTION for Leave to Appear Pro Hac Vice

			for Brad B. Erens , (7) MOTION for Leave to Appear Pro Hac Vice for Caitlin K. Cahow, (8) MOTION for Leave to Appear Pro Hac Vice for Morgan R. Hirst, (9) MOTION to Transfer Case to United States Bankruptcy Court for the Western District of North Carolina by ALDRICH PUMP LLC, MURRAY BOILER LLC., (10) Corporate Disclosure Statement by ALDRICH PUMP LLC, MURRAY BOILER LLC.).
4.	4	01/12/2023	Documents 22-26 from The U.S. District Court of New Jersey-(Trenton) (bfm).(Attachments: (1) CERTIFICATE OF SERVICE, (2) CONSENT ORDER, (3) NOTICE of Appearance by JOSEPH H. LEMKIN, (4) Letter from Lynda A. Bennett, (5) LETTER ORDER).
5.	5	01/12/2023	Documents 27-36 from The U.S. District Court of New Jersey-(Trenton). (bfm) (Attachments: (1) BRIEF in Opposition, (2) BRIEF in Opposition, (3) MEMORANDUM, (4) BRIEF in Opposition, (5) BRIEF in Opposition, (6) RESPONSE to Motion, (7) REPLY BRIEF, (8) REPLY BRIEF, (9) REPLY BRIEF, (10) REPLY BRIEF).
6.	6	01/12/2023	Documents 37-47 from The U.S. District Court of New Jersey-(Trenton).(Attachments: (1) REPLY BRIEF, (2) REPLY BRIEF, (3) Letter from Paul R. DeFilippo, (4) Certification on behalf of Non-Party Certain Matching Claimant, (5) ORDER granting Motion for Leave to Appear Pro Hac Vice, (6) ORDER granting Motion for Leave to Appear Pro Hac Vice, (7) ORDER granting Motion for Leave to Appear Pro Hac Vice, (8) ORDER granting Motion for Leave to Appear Pro Hac Vice, (9) ORDER granting Motion for Leave to Appear Pro Hac Vice, (10) Letter from Lynda Bennett Requesting Adjournment of Motion Hearing, (11) Letter from Paul R. DeFilippo).
7.	7	01/12/2023	Court Notice of Status Hearing (RE: related document(s))1 Other Document filed by Plaintiff Kaiser Aluminum & Chemical Corporation Asbestos Personal Injury Trust, Plaintiff T H Agriculture & Nutrition, L.L.C. Asbestos Personal Injury Trust, Plaintiff AC&S Asbestos Settlement Trust, Plaintiff Combustion Engineering 524(G) Asbestos PI Trust, Plaintiff G-1 Holdings Inc. Asbestos Personal Injury Settlement Trust, Plaintiff GST Settlement Facility, Plaintiff Quigley Company, Inc. Asbestos PI Trust, Plaintiff Yarway Asbestos Personal Injury Trust, Interested Party Versus Claims Services, LLC). Status hearing to be held on 1/26/2023 at 09:30 AM at 3-JCW Courtroom 2B.
8.	8	01/12/2023	Court Notice of Transferred Case.

9.	11	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 Murray Boiler LLC, Aldrich Pump LLC.
10.	13	01/27/2023	Transcript for Hearing/Trial held on 1/26/2023.
11.	15	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.
12.	19	02/17/2023	Transcript for Hearing/Trial held on 2/14/2023.
13.	21	02/22/2023	Order Denying Motion to Proceed Anonymously (RE: related document(s)3 Order (other), 5 Order (other)).
14.	23	03/01/2023	Motion to Appear Pro Hac Vice for Joseph Lemkin (Fee Amount \$ 288) filed by Thomas W. Waldrep Jr. on behalf of Non-Party Certain Matching Claimants.
15.	24	03/01/2023	Motion to Appear Pro Hac Vice for Timothy P. Duggan (Fee Amount \$ 288) filed by Thomas W. Waldrep Jr. on behalf of Non-Party Certain Matching Claimants
16.	25	03/01/2023	Ex Parte Order Granting Motion to Appear Pro Hac Vice (Related Doc # 23).
17.	26	03/01/2023	Ex Parte Order Granting Motion to Appear Pro Hac Vice (Related Doc # 24).
18.	27	03/07/2023	Notice of Appeal to District Court.

Respectfully submitted, this the 21<sup>st</sup> day of March, 2023.

Respectfully submitted,

**WALDREP WALL BABCOCK**

**& BAILEY PLLC**

/s/ Thomas W. Waldrep, Jr.

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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 21st day of March, 2023.

**WALDREP WALL BABCOCK  
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