

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

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

Plaintiffs,

v.

ALDRICH PUMP LLC, *et al.*

Defendants.

In re

ALDRICH PUMP LLC, *et al.*,¹

Debtors.

Miscellaneous Proceeding

No. 22-00303 (JCW)

(Transferred from District of Delaware)

Chapter 11

Case No. 20-30608

**DEBTORS' REPLY IN SUPPORT OF THEIR MOTION FOR REHEARING
CONCERNING THE ISSUE OF SAMPLING
ON DCPF'S SUBPOENA-RELATED MOTIONS**

Aldrich Pump LLC ("Aldrich") and Murray Boiler LLC ("Murray"), as debtors and debtors in possession (together, the "Debtors"), submit this consolidated Reply in support of the *Debtors' Motion for Rehearing Concerning the Issue of Sampling on DCPF's Subpoena-Related Motions* [Dkt. 54] (the "Motion")² and in response to objections to the Motion filed by: (1) the Delaware Claims Processing Facility ("DCPF");³ (2) the Third-Party Asbestos Trusts ("DCPF

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.

² Capitalized terms herein will have the definition attributed to them by the Motion unless otherwise defined in the Reply.

³ See Delaware Claims Processing Facility, LLC's (I) Response to Debtors' Motion for Rehearing Concerning the Issue of Sampling on DCPF's Subpoena-Related Motions and (II) Joinder, *Armstrong World Indus. Asbestos Pers. Inj. Settlement Tr. v. Aldrich Pump LLC*, Misc. No. 22-00303 (JCW) (Bankr. W.D.N.C. Mar. 23, 2023) [Dkt. 72] (the "DCPF Objection").



Trusts");⁴ (3) the Non-Party Certain Matching Claimants (the "Matching Claimants," and together with DCPF and the DCPF Trusts, the "DCPF Parties");⁵ and (4) the Official Committee of Asbestos Personal Injury Claimants (the "ACC," and together with the DCPF Parties, the "Objectors").⁶

The volume of objections are not indicative of any merit. Indeed, since the service of the Debtors' Subpoenas last July, the DCPF Parties and the ACC have fought tooth and nail to prevent the disclosure of any information in response. What the Objectors cannot escape, however, is that: (1) the information sought by the Subpoenas is relevant and necessary to these bankruptcy cases; (2) the information sought by the Subpoenas is not remotely confidential, regardless of how many times the Objectors baselessly insist that it is; (3) even if there is some minute chance that confidential information not sought by the Subpoenas is nevertheless included in the fields produced, the Aldrich Trust Order specifically requires the Debtors' expert Bates White to redact any such information; and (4) the burden on DCPF in complying with the Subpoenas turned out

⁴ See Third-Party Asbestos Trusts' Opposition to Debtors' Motion for Rehearing Concerning the Issue of Sampling on DCFP's Subpoena-Related Motions, *Armstrong World Indus. Asbestos Pers. Inj. Settlement Tr. v. Aldrich Pump LLC*, Misc. No. 22-00303 (JCW) (Bankr. W.D.N.C. Mar. 23, 2023) [Dkt. 70] (the "DCPF Trusts Objection").

⁵ See Non-Party Certain Matching Claimants' Opposition to the Debtors' Motion for Rehearing Concerning the Issue of Sampling on DCPF's Subpoena-Related Motions, *Armstrong World Indus. Asbestos Pers. Inj. Settlement Tr. v. Aldrich Pump LLC*, Misc. No. 22-00303 (JCW) (Bankr. W.D.N.C. Mar. 23, 2023) [Dkt. 63] (the "Matching Claimants Objection"). The Matching Claimants' Objection is subject to a separate Motion to Strike, as the Matching Claimants have been barred from further participation in this proceeding without disclosing their identities. See Order Denying Non-Party Certain Matching Claimants' Motion to Proceed Anonymously and Joinder of the Kazan McClain Matching Claimants to Non-Party Certain Matching Claimants' Reply in Support of Motion to Proceed Anonymously, *Armstrong World Indus. Asbestos Pers. Inj. Settlement Tr. v. Aldrich Pump LLC*, Misc. No. 22-00303 (JCW) (Bankr. W.D.N.C. Feb. 6, 2023) [Dkt. 42] (the "Order Denying Motion to Proceed Anonymously").

⁶ See The Official Committee of Asbestos Personal Injury Claimants' Objection to the Debtors' Motion for Rehearing Concerning the Issue of Sampling on DCPF's Subpoena-Related Motions, *Armstrong World Indus. Asbestos Pers. Inj. Settlement Tr. v. Aldrich Pump LLC*, Misc. No. 22-00303 (JCW) (Bankr. W.D.N.C. Mar. 23, 2023) [Dkt. 69] (the "ACC Objection," and together with the DCPF Parties' Objections, the "Objections").

to be immensely manageable, as substantially similar information was produced in *DBMP* within 45 days, at a relatively modest cost in the context of these cases (a cost which will be reimbursed by the Debtors). In short, there is no reason for the Court to treat the Subpoenas here any differently than the identical subpoenas issued to DCPF by DBMP, and therefore no reason to limit the information sought by the Subpoenas to a 10 percent sample. The Motion for Rehearing should be granted.

ARGUMENT

I. Debtors Have Satisfied the Standard to Grant Rehearing Or, Alternatively, Reconsideration Under Rule 54.

1. The Objectors spend much of the ink in their Objections arguing that "there is no legal predicate" for the Debtors' Motion. *See, e.g.*, DCPF Objection at 9; 13–16; DCPF Trusts Objection at 10–15; Matching Claimants Objection at 2–6; ACC Objection at 7–9. The Objectors primarily base their arguments on the concept that the Debtors' Motion must be construed as one for reconsideration under Federal Rule of Civil Procedure 59(e), applicable to final judgments. *See, e.g.*, DCPF Trusts Objection at ¶¶ 30–38. The DCPF Parties are wrong.

2. Rule 59(e) only applies to motions seeking "to alter or amend a judgment ... after the entry of the judgment." Fed. R. Civ. P. 59(e). But no judgment has been entered here.

3. Instead, at this point, all that has happened is that the Court ruled orally in November on the Motions to Quash. The Court has not even issued a written order. For this reason, it was the Court, and not the Debtors, who suggested that the motion here be styled as one for "rehearing." *See* March 27, 2023 Declaration of Morgan Hirst. ("Hirst Reply Decl.") Ex. A, Feb. 14, 2023 Aldrich Trans. at 29:19–22. According to this Court, a motion seeking further evidence and argument is "one for rehearing and reopening the record." *In re Meyers*, 483 B.R. 89, 95 (Bankr. W.D.N.C. 2012) (Whitley, J.). "Permitting additional evidence and argument in

the cause when necessary to a just result is entirely consistent with the objectives of the Bankruptcy Code." *Id.*

4. This standard is similar to the Fourth Circuit's treatment of motions for reconsideration of interlocutory orders under Rule 54. A court "retains the power to reconsider and modify its interlocutory orders ... at any time prior to final judgment." *Am. Canoe Ass'n v. Murphy Farms, Inc.*, 326 F.3d 505, 514–15 (4th Cir. 2003). "Motions for reconsideration of interlocutory orders are not subject to the strict standards applicable to motions for reconsideration of a final judgment" and instead are matters "committed to the discretion of the district court," which may be exercised "as justice requires." *Id.*; *TomTom, Inc. v. AOT Sys. GmbH*, 17 F. Supp. 3d 545, 546 (E.D. Va. 2014); *see also Wiseman v. First Citizens Bank & Tr.*, 215 F.R.D. 507, 509 (W.D.N.C. 2003) ("A motion for reconsideration would be appropriate where the Court has misunderstood a party ... or has made an error not of reasoning but of apprehension[.]").

5. The Debtors' Motion for Rehearing more than satisfies that standard. First, this Motion for Rehearing is made because the Debtors believe this Court misapprehended their position and the facts before it. As stated in the Motion, when it orally ruled on November 30, 2022, this Court (relying on counsel for DCPF's representations that their argument was "new") seemingly failed to recall the litigation history, both in these cases and in the *DBMP* case involving the identical subpoena issued to DCPF, where identical arguments were previously made before it. This Court previously addressed DCPF's same concerns in *DBMP*—that PII might be included in exposure-related fields, and the burden on DCPF in producing the Claims Data—concerns that ultimately resulted in a footnote that appears in the Aldrich Trust Order in these cases that allows DCPF to redact PII before it was produced and requires the Debtors to redact any such PII before it is disseminated any further. The Debtors (and apparently, the Matching Claimants, as described

in paragraph 25 *infra*) do not believe that the Court's ruling in *DBMP* on the identical subpoena can be reconciled legally with its ruling here. To be fair, while no rule of law requires identical rulings in the two cases, the Debtors cannot fathom, nor have the Objections suggested, any reason for the orders on the subpoenas to be different. *See* Section III, ¶¶ 23–27, *infra*.

6. Second, there is new evidence that was unavailable at the November 30, 2022 hearing. Following the Court's November 30, 2022 oral ruling, DCPF produced Claims Data (without any sampling) in response to *DBMP*'s identical subpoena. The total cost of that production was \$86,000. *See* Declaration of Kevin A. Guerke [Dkt. 73-7]. In the context of these cases, that cost is relatively modest, given the hundreds of millions of dollars at issue.

7. In addition, since the November 30 oral ruling, this Court denied the *DBMP* Matching Claimants' Motion to Reconsider. As described in more detail in Section III *infra*, those matching claimants argued that the Court's ruling in *DBMP* needed to be modified to match the November 30 oral ruling in this case and limit the *DBMP* subpoena to a 10 percent sample. This Court declined that invitation, and held that its original ruling was correct.

8. In short, regardless of what standard is applied, there is ample basis for this Court to grant the Debtors' Motion for Rehearing.

II. There is No Basis to Order Sampling in Response to the Debtors' Subpoenas.

9. Despite nearly 60 pages of opposition briefing, the central basis of the Debtors' Motion for Rehearing remains unrefuted. The Debtors' Subpoenas seek information which is relevant and necessary to these cases. The Subpoenas do not seek any confidential information, and the only confidential information that the Objectors identify as even potentially implicated by the Subpoenas is PII that the Debtors in large part already possess.⁷ The burden on

⁷ DCPF suggests that while the Debtors already possess the vast majority of the PII at issue, there is a chance that certain non-claimants' PII was also included in exposure-related fields. DCPF Objection ¶ 26.

DCPF in producing the information is relatively small, and the only identified burden that DCPF claims is undue is entirely the result of DCPF's decision to redact PII that the Debtors already possess.

10. First, the Debtors have repeatedly shown, and this Court has repeatedly held, that the Claims Data sought by the Subpoenas is "relevant and necessary" to these bankruptcy proceedings. *See* Aldrich Trust Order ¶ 5; *see also* Motion ¶ 18 (collecting authorities). The Claims Data will help the parties to the Debtors' estimation proceedings, and eventually this Court, determine "whether pre-petition settlements of mesothelioma claims provide a reliable basis for estimating the Debtors' asbestos liability[.]" Aldrich Trust Order ¶ 5. It will also help inform "the estimation of the Debtors' asbestos liability" and the eventual "development and evaluation of trust distribution procedures for any plan of reorganization confirmed in these cases[.]" *Id.*

11. Not surprisingly, DCPF wants to ignore the relevance of the information, suggesting that "[a]t this stage, the supposed relevance of the subpoenaed information is largely irrelevant, so to speak." DCPF Objection ¶ 19. This is not the law. In determining whether to quash or otherwise limit a subpoena under Rule 45, "the ultimate question is whether the benefits of discovery to the requesting party outweigh the burdens on the recipient." *United States ex rel. Hayes v. Charlotte Mecklenberg Hosp. Auth.*, No. 3:16-cv-00750-GCM, 2021 WL 665109, at *2 (W.D.N.C. Feb. 19, 2021). The answer to that ultimate question here clearly tips in favor of the Debtors.

There is absolutely no evidence as to how often this seemingly unlikely event occurs. Regardless, in the unlikely event it does occur, there is ample protection under the Aldrich Trust Order for that information: any PII included in Claims Data can be redacted by DCPF if they wish to do so, and *must* be redacted by the Debtors. Aldrich Trust Order ¶ 10 n.8.

12. Up until the November 30 oral ruling, this Court had consistently determined that this relevance outweighed any burden on DCPF in producing the information responsive to the subpoenas. *See, e.g.*, Hirst Rehearing Decl. Ex. C, Dec. 16, 2021 DBMP Trans. at 133–35. The events that have occurred since the Court's November 30 oral ruling make particularly clear that this Court's prior rulings were correct.

13. Specifically, on January 13, 2023, DCPF produced the full trust data in response to the identical DBMP subpoena, without any sampling. DCPF apparently chose, as is its option under the Trust Order, to review and redact any PII from the "exposure" related fields requested by the Subpoenas. DCPF made that choice despite the fact that, like here, the PII in those fields was: (1) already in possession of DBMP (as it is here); and (2) was required to be redacted by DBMP's expert at Bates White when received (as it is here). The total costs to DCPF of performing this review and redaction work was approximately \$86,000, all of which is to be reimbursed by DBMP. Hirst Rehearing Decl. Ex. D, Feb. 9, 2023 DBMP Trans. at 56:11–14.

14. That "burden" simply does not outweigh the relevance of the information such that sampling is appropriate. This is true for a number of reasons.

15. First, the only burden DCPF has identified in producing the information is a burden that DCPF has taken on *by choice*, and not one imposed by the Subpoenas themselves. DCPF claims that PII occasionally is included in some of the narrative exposure fields requested by the Subpoenas, and that DCPF must go through manually to redact that information before producing it. *See* DCPF Objection ¶¶ 6–7. While the Trust Discovery permits DCPF to take those measures, they are entirely unnecessary. The Debtors already have nearly all of that PII that requires such a "painstaking process" for DCPF to redact. *Id.* ¶ 6. It is unrefuted that the Aldrich Trust Order requires the Debtors, through Bates White, to delete any PII that is produced. Aldrich

Trust Order ¶ 10 n.8. It is also unrefuted that the Debtors will reimburse DCPF for all expenses incurred in this process. *See id.* ¶ 19. Rule 45 includes that very mechanism as a way to reduce any burden on the producing party. *See, e.g., Seven Z Enters., Inc. v. Giant Eagle, Inc.*, No. 2:17-cv-740, 2020 WL 7240365, at *4 (W.D. Pa. Mar. 6, 2020) ("[A]ny potential undue burden can be mitigated by cost shifting permitted under Rule 45(d)(2)(B)(ii), which requires nonparties to be protected from significant expense resulting from compliance with a subpoena.").

16. In short, any burden created by DCPF's choice to manually review and redact the narrative exposure fields is one entirely of its own choosing, which will be paid for by the Debtors in any event. That burden does not form a basis to limit the Debtors' Subpoenas to a 10 percent sample.

17. Second, any remaining burden represented by the "endless hours DCPF must dedicate to the subpoenas [that] distracts and delays the DCPF from its core mission of processing claims of sick and dying victims of asbestos exposure" must be put in context. DCPF Objection at 11. While the universe of potential claimants in the Debtors' Subpoenas are slightly larger than in DBMP (12,000 v. 9000), that number involves a smaller number of potential claimants than what was produced by DCPF in *Bestwall*.⁸ Further, when the Debtors sought an order allowing them to serve these Subpoenas, the Debtors recognized that a producing party might be concerned with the costs associated with responding to the Subpoenas and proactively limited their request. They did not seek DCPF's entire claims database, mesothelioma claims against the Debtors that were resolved without payment, or mesothelioma claims resolved prior to 2005. Nor

⁸ To be clear, DCPF ultimately produced the information requested in the Bestwall subpoena without redaction of any PII. As discussed *infra*, this, ironically, likely made the production of the information in regard to the 15,000 Bestwall claimants less burdensome, but this did not eliminate substantial motion practice, and a trip to the 3rd Circuit, in regard to the Bestwall subpoena.

did they seek non-mesothelioma claims, such as lung cancer claims and non-malignant claims. Instead, the Debtors limited their request to those mesothelioma claimants who asserted and resolved claims for payment against *the Debtors* since 2005. This captures a universe of 12,000 claimants, only some portion of which will be "matches" within the DCPF database and subject to production.

18. Third, the Debtors anticipate, and DCPF does not dispute, that the burden in responding to the Subpoenas here, and specifically the burden of redacting any PII in the narrative fields, is likely to be reduced as a result of the redaction work already done in responding to the DBMP subpoena. Dr. Mullin testified that he "would expect the Aldrich Murray data production process would be even less burdensome than the Bestwall and DBMP processes because DCPF has already developed applicable algorithms through responding to similar requests from the Bestwall and DBMP debtors." *See* Declaration of Charles Mullin [Dkt. 55] ¶ 22. In addition, given the nature of asbestos litigation, it is likely that a material number of the DBMP matches are also going to be matches in these cases. *Id.* ¶ 24. DCPF has not provided any information about the number of matching claims in these cases, or the overlap (or lack of overlap) between the matching claimants here and in DBMP, despite having that information in its possession. Therefore, we have no idea how many claims will even be subject to review and redaction by DCPF and thus have no idea what the actual burden of compliance on DCPF is.

19. Fourth, the Debtors intentionally drafted their Subpoenas narrowly, to ensure that no confidential information was requested. This includes specifically not requesting any PII in the Subpoenas. Because no PII is sought, and because the Debtors are nevertheless required under the Aldrich Trust Order to destroy any PII inadvertently produced, the DCPF Parties are left to argue that there are benefits to a sample outside of reducing the burden imposed

on DCPF: "[w]hether data sought is PII does not mitigate the core issue sampling addresses – reducing the risk of inadvertent disclosure or intentional misuse by limiting the volume of confidential data leaving the holder's control to only a subset." Matching Claimants Objection at 6. The DCPF Parties offer no further explanation as to what other confidential data is even implicated by the Subpoenas beyond the PII, nor any reason to show why the extensive confidentiality provisions included in the Aldrich Trust Order are inadequate to address it. As Judge Silverstein recognized when overruling the Paddock Trusts' arguments seeking to impose additional restrictions governing the production and use of the Claims Data, "I do think this information is sensitive and that is – it has to be protected, *but we deal with it all the time and we deal with it through protective orders. We assume the good faith, quite frankly, of the people who are – who have access to that information and, if we can't depend on the good faith of the people who have access to the information, then that just throws the whole scheme out.*" Hirst Reply Decl. Ex. B, Jan. 6, 2023 Paddock Trans. at 18:24–19:6 (emphasis added).

20. Finally, to further the barrage of motion practice wrought by these Subpoenas, the ACC has filed its own Objection to the Debtors' Motion for Rehearing. This is despite the fact that the ACC is neither a target of the Subpoenas, nor represents any claimants whose information would be subject of the Subpoenas.⁹ Nevertheless, it furthers a theme that has been true since either Bestwall, DBMP, or the Debtors sought to pursue this discovery: the ACC and the asbestos bankruptcy trusts, whether at the urging of claimants, or the Trustees, or the plaintiffs' lawyer member Trust Advisory Committees, simply do not want the Debtors to have this data. Whether that is because it was integral to Judge Hodges decision in *Garlock*, because it

⁹ The Subpoenas only seek information concerning claimants who previously resolved claims against the Debtors; the ACC only represents claimants who have pending claims against the Debtors.

resulted in substantial scrutiny of behavior of plaintiffs' attorneys in the tort system, or because of some other reason, is unclear. Either way, the effort to avoid or limit production has been monumental.

21. In any event, the only position in the ACC's Objection that is distinct from the DCPF Parties is the ACC's effort to once again conflate the very different topics of trust discovery and claims file discovery. As the Court is aware, the Debtors and the ACC have been working for some time on reaching agreement on a sample for purposes of claims file discovery. *See, e.g.*, Hirst Reply Decl. Ex. A, Feb. 14, 2023 Aldrich Trans. at 19:21–20:24. The Debtors believed the parties had essentially reached agreement on all of the major points at the time they filed their Motion for Rehearing. *Id.* The ACC now suggests that if the Debtors were to receive anything more than a sample in response to their Subpoenas, "fairness would demand" that the ACC would not be limited to a sample on their claims file discovery. ACC Objection ¶ 31.

22. This proposition is meritless. While trust discovery involves the production of computer-stored fields of information that can be downloaded and produced relatively simply, *see* Mullin Decl. ¶ 22, claims file discovery will require the collection of potentially hundreds of thousands of emails, documents, and hard copy files, stored in the files of potentially hundreds of in-house and outside lawyers on *both* sides. All parties to this case have consistently acknowledged that a sample would be required for claims file discovery. Indeed, a claims file sample has considerable benefits for *both* sides. The proper analogy, however, is not between claims file discovery and trust discovery. The trust discovery is far more analogous to the Debtors' claims database, which has already been produced to both the ACC and FCR.

III. There Is No Basis to Treat the Subpoenas to the DCPF Parties in this Case Differently Than the Subpoena in DBMP.

23. All of this leads to the question that none of the Objectors can or do answer: why the Subpoenas issued by the Debtors to DCPF should be treated any differently than the identical subpoenas issued by DBMP to DCPF. The answer is that there is no reason, which further supports granting the Motion for Rehearing.

24. The subpoenas issued by DBMP to DCPF and the DCPF trusts are identical to the Subpoenas issued by the Debtors to DCPF and the DCPF Trust here. *Compare* Aldrich Trust Order *with* DBMP Trust Order. They ask for the exact same categories of information, from the same eight trusts that are administered by DCPF, for a similarly-sized claimant population. *Compare* Aldrich Trust Order ¶¶ 3(b), 10 *with* DBMP Trust Order ¶¶ 3, 7. The Claims Data sought by the subpoenas is identical in both cases. And the supposed burden and confidentiality concerns the Objectors raised in attempting to quash or otherwise limit the subpoenas are identical in the two cases. *See* Motion at 3 n.5; 16. *Compare* DCPF Motion to Quash *with* Response and Objection of Nonparties Manville Personal Injury Settlement Trust and Delaware Claims Processing Facility to the Debtors' Motion for Bankruptcy Rule 2004 Examination of Asbestos Trusts and Governing Confidentiality of Information Provided in Response, *In re DBMP LLC*, No. 20-30080 (JCW) (Bankr. W.D.N.C. June 11, 2021) [Dkt. 864] at 18–23.

25. The Objectors do not even attempt to make a credible argument as to why the subpoenas should be treated differently. Ironically, the DBMP Matching Claimants (represented by the same counsel as the Matching Claimants here, who have objected to the Motion

for Rehearing),¹⁰ sought reconsideration of this Court's order denying imposition of a sample on DBMP's identical subpoenas to DCPF and the DCPF trusts, and based their motion on the claim "that the results in Aldrich Pump conflict with and run contrary to the order that you entered in this case, primarily because of the same privacy and economic considerations that we have in this case." *See Hirst Reply Decl. Ex. C, Feb. 9, 2023 DBMP Trans. at 44:18–21.* In other words, when it was convenient for them, the DBMP Matching Claimants believed that the Court should treat the subpoenas in DBMP and these cases the same way. Now that this consistent treatment of the subpoenas is no longer in their (or their counsel's) interests, the Matching Claimants, not surprisingly, have changed their tune.

26. The Matching Claimants were right the first time: there is no rational basis to treat the subpoenas in the two cases any different. Yes, the instant cases are different from the DBMP case, and the cases involve certain distinct issues that are unique to each. But there is absolutely no difference when it comes to the subpoenas served on the DCPF Parties by the Debtors here, and those served by the debtor in DBMP.

27. In denying the DBMP Matching Claimants' Motion to Reconsider, this Court candidly suggested, "if there is an error that has been made, in my opinion it would be in the Aldrich case, not in this one because this one got very careful consideration and effectively, we dealt with that." *Hirst Rehearing Decl. Ex D, Feb. 9, 2023 DBMP Trans. at 95:11–14.* Respectfully, the Debtors do believe that the Court's oral ruling of a 10 percent sample on their Subpoenas to DCPF was in error. The Debtors respectfully request the Court grant their Motion for Rehearing, and order full compliance with their Subpoenas to DCPF and the DCPF Trusts.

¹⁰ As noted in the Debtors' separate Motion to Strike, the Matching Claimants' objection should be stricken, as it has completely flouted the Court's order that they either identify themselves, or not further participate in these cases. *See Order Denying Motion to Proceed Anonymously.*

CONCLUSION

28. For all of these reasons and others set forth in the Motion, the Debtors respectfully request that the Court grant their Motion for Rehearing, and order DCPF and the DCPF Trusts to fully comply with the Subpoenas directed to them.

Dated: March 27, 2023
Charlotte, North Carolina

Respectfully submitted,

/s/ John R. Miller, Jr.

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