

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.

Miscellaneous Proceeding

No. 22-00303 (JCW)

(Transferred from District of Delaware)

In re

ALDRICH PUMP LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 20-30608

**DECLARATION OF MORGAN R. HIRST**

I, Morgan R. Hirst, hereby declare under penalty of perjury:

1. I am a partner of the law firm of Jones Day; my office is located at 110 North Wacker Drive, Suite 4800, Chicago, Illinois 60606. I am a member in good standing of the Bar of the State of Illinois. There are no disciplinary proceedings pending against me.

2. I submit this declaration in connection with *Debtors' Opposition to Verus Claim Services, LLC's and the Verus Trusts' Motion for Adjournment and Related Relief*, filed contemporaneously herewith. I have personal knowledge of the matters set forth herein.

3. Attached hereto as **Exhibit A** is a true and correct copy of excerpts from the

<sup>1</sup> 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.



transcript of the February 14, 2023 hearing in In re Aldrich Pump LLC, No. 20-30608 (JCW) (Bankr. W.D.N.C.), Armstrong World Industries, Inc. Asbestos Personal Injury Settlement Trust v. Aldrich Pump LLC, Misc. No. 22-00303 (JCW) (Bankr. W.D.N.C.), and AC&S Asbestos Settlement Trust v. Aldrich Pump LLC, Misc. No. 23-00300 (JCW) (Bankr. W.D.N.C.).

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: March 27, 2023  
Chicago, IL

/s/ Morgan R. Hirst

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UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

IN RE: : Case No. 20-30608 (JCW)  
: (Jointly Administered)  
ALDRICH PUMP LLC, ET AL., :  
: Chapter 11  
Debtors, :  
: Charlotte, North Carolina  
: Tuesday, February 14, 2023  
: 1:00 p.m.

: :

ARMSTRONG WORLD INDUSTRIES, : Miscellaneous Pleading  
INC. ASBESTOS PERSONAL INJURY : No. 22-00303 (JCW)  
SETTLEMENT TRUST, et al., : (Transferred from District  
of Delaware)

Plaintiffs, :

v. :

ALDRICH PUMP LLC, et al., :

Defendants, :

: :

AC&S ASBESTOS SETTLEMENT : Miscellaneous Pleading  
TRUST, et al., : No. 23-00300 (JCW)

: (Transferred from District  
Petitioners, : New Jersey)

v. :

ALDRICH PUMP LLC, et al., :

Respondents, :

VERUS CLAIM SERVICES, LLC, :

Interested Party, :

NON-PARTY CERTAIN MATCHING  
CLAIMANTS, :

Interested Party. :

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TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE J. CRAIG WHITLEY,  
UNITED STATES BANKRUPTCY JUDGE

APPEARANCES:

For Debtors/Defendants, Aldrich Pump LLC and Murray Boiler LLC:	Rayburn Cooper & Durham, P.A. BY: JOHN R. MILLER, JR., ESQ. MATTHEW TOMSIC, ESQ. 227 West Trade St., Suite 1200 Charlotte, NC 28202
	Jones Day BY: BRAD B. ERENS, ESQ. MORGAN R. HIRST, ESQ. 110 North Wacker Dr., Suite 4800 Chicago, IL 60606
	Evert Weathersby Houff BY: C. MICHAEL EVERT, JR., ESQ. 3455 Peachtree Road NE, Ste. 1550 Atlanta, GA 30326
	ROBERT H. SANDS, ESQ.
Audio Operator:	COURT PERSONNEL
Transcript prepared by:	JANICE RUSSELL TRANSCRIPTS 1418 Red Fox Circle Severance, CO 80550 (757) 422-9089 trussell31@tdsmail.com

Proceedings recorded by electronic sound recording; transcript  
produced by transcription service.

1 APPEARANCES (continued):

2

For ACC:

Caplin & Drysdale

3

BY: JAMES P. WEHNER, ESQ.

4

One Thomas Circle, NW, Suite 1100

Washington, DC 20005

5

Robinson & Cole LLP

6

BY: NATALIE RAMSEY, ESQ.

DAVIS LEE WRIGHT, ESQ.

7

1201 N. Market Street, Suite 1406

Wilmington, DE 19801

8

Robinson & Cole LLP

9

BY: KATHERINE M. FIX, ESQ.

1650 Market Street, Suite 3600

Philadelphia, PA 19103

10

Hamilton Stephens

11

BY: ROBERT A. COX, JR., ESQ.

525 North Tryon St., Suite 1400

12

Charlotte, NC 28202

13

JONAH RECORDSCOSKY, ESQ.

14 For the FCR:

Orrick Herrington

15

BY: JONATHAN P. GUY, ESQ.

1152 15th Street, NW

16

Washington, D.C. 20005-1706

17

Grier, Wright & Martinez, PA

BY: A. COTTEN WRIGHT, ESQ.

18

521 E. Morehead St, Suite 440

Charlotte, NC 28202

19 For Certain Insurers:

Duane Morris LLP

20

BY: RUSSELL W. ROTEN, ESQ.

865 S. Figueroa St., Suite 3100

Los Angeles, CA 90017-5440

21

For Trane Technologies  
22 Company LLC and Trane  
U.S. Inc.:

McCarter & English, LLP

23

BY: GREGORY J. MASCITTI, ESQ.

825 Eighth Avenue, 31st Floor

New York, NY 10019

24

25

1 APPEARANCES (continued):

2 For DCPF:

Alexander Ricks PLLC  
BY: FELTON PARRISH, ESQ.  
1420 E. 7th Street, Suite 100  
Charlotte, NC 28204

4

5

APPEARANCES (via telephone):

6

For DCPF:

Young Conaway  
BY: KEVIN A. GUERKE, ESQ.  
1000 North King Street  
Wilmington, Delaware 19801

9

Ballard Spahr LLP  
BY: TYLER B. BURNS, ESQ.  
919 North Market St., 11th Floor  
Wilmington, DE 19801-3034

10

11

For Trane Technologies  
Company LLC and Trane  
U.S. Inc.:

McGuireWoods, LLP  
BY: K. ELIZABETH SIEG, ESQ.  
800 East Canal Street  
Richmond, VA 23219-3916

14

For Travelers Insurance  
Companies, et al.:

Steptoe & Johnson LLP  
BY: JOSHUA R. TAYLOR, ESQ.  
1330 Connecticut Avenue, N.W.  
Washington, D.C. 20036

15

16

For Matching Claimants:

Hogan McDaniel  
BY: DANIEL K. HOGAN, ESQ.  
1311 Delaware Avenue  
Wilmington, DE 19806

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1 MR. EVERT: So obviously, whatever direction the Court  
2 has to the clerk on that is, is, is fine with us, but that's, I  
3 have no more status on No. 9.

4 THE COURT: Right.

5 MR. EVERT: As to Items No. 3 through 8, we, we  
6 reached out to the Trusts to ascertain whether they wanted to  
7 participate in our discussions with the ACC over sampling and  
8 they indicated that they did not have any new proposals that  
9 they wanted to raise and they wanted to follow discussions and,  
10 and reserve all rights.

11 So although the -- so the Trusts have not been  
12 involved in those discussions.

13 THE COURT: Uh-huh (indicating an affirmative  
14 response).

15 MR. EVERT: And I -- and I -- I don't -- I don't know  
16 how to characterize it beyond that other than there -- there  
17 were --

18 THE COURT: Uh-huh (indicating an affirmative  
19 response).

20 MR. EVERT: I, I don't know if they're communicating  
21 with the ACC or not.

22 THE COURT: Uh-huh (indicating an affirmative  
23 response).

24 MR. EVERT: As the, as the Court knows and as I  
25 probably irritatingly made evident at our last hearing, we, we



1 disagree with the Court's ruling on, on sampling for the trust  
2 discovery. We don't think it's appropriate. So we've, we've  
3 continued to ponder it with our client, your Honor. And so  
4 last Friday we, or Friday just a, Friday morning a few days  
5 ago, we advised the ACC and the Trusts that our, our current  
6 intention is to move for reconsideration of that particular  
7 order. And I call it a motion for reconsideration. I guess  
8 that's what it is. The Court --

9 THE COURT: Uh-huh (indicating an affirmative  
10 response).

11 MR. EVERT: -- ruled orally. No order has been  
12 entered. So --

13 THE COURT: Uh-huh (indicating an affirmative  
14 response).

15 MR. EVERT: -- maybe we can talk about that in a  
16 minute. But -- and, and obviously, I talked a little bit about  
17 it at the last hearing and you don't want to hear it again. So  
18 I'm not going to belabor where the, where the disagreement is.

19 But our intention would be to make that motion  
20 according to the schedule for the March 30 hearing, which would  
21 be filing the motion or whatever we call it and at the Court's  
22 preference by March 9th. And we thought it important to, to  
23 notify the ACC, in particular, that we were considering that  
24 because obviously, we were in the midst of negotiations about a  
25 sample and, and our goal, as we said at the time, has been to,

1 to try to hear the Court and try to work on sampling, although  
2 we don't feel like it's appropriate in this particular  
3 instance. And the ACC acknowledged that, that we'd let them  
4 know and said they certainly reserve their right to oppose and  
5 would oppose, in all likelihood, any, any motion for  
6 reconsideration.

7 Now technically, and, and sort of going back to the  
8 agenda, there are a number of New Jersey matters, which you'll  
9 see starting at No. 6, that relate to Verus --

10 THE COURT: Right.

11 MR. EVERT: -- that are still pending, motions to  
12 quash and related. And of course, these are highly similar  
13 motions to quash that the Court heard and, and has already  
14 heard in Items 3 through 5, which are the --

15 THE COURT: Uh-huh (indicating an affirmative  
16 response).

17 MR. EVERT: -- DCPF motions.

18 So we're talking about two different trust -- and I  
19 know the Court knows this, but just to be clear -- we're  
20 talking about two different trust claims facilities' highly  
21 similar motions, one of which the Court has tentatively ruled  
22 on or orally ruled on, I should say, denying the motion to  
23 quash, but granting, with the exception of granting the 10  
24 percent sample.

25 THE COURT: Uh-huh (indicating an affirmative

1 response) .

2 MR. EVERT: And the others have not been ruled upon.  
3 And so we, we would anticipate setting those remaining Verus  
4 motions for hearing at the same time any reconsideration is  
5 heard. So let me, let me come back to that in just a second.

6 When we advised the ACC and the Trusts that we were  
7 considering this motion to reconsider, we also said at the time  
8 and still believe that we should absolutely continue with great  
9 vigor these discussions about sampling to be ready to report to  
10 the Court on March 30. Because, for a number of reasons, not  
11 the least of which is if we do reconsider and the Court denies  
12 it, then we're going to need a sampling methodology and  
13 likewise, I think we're all in agreement that claims files,  
14 whether it's our claims files that are currently the subject of  
15 some discovery from the ACC or whether it's the claimants'  
16 claim files that the debtors may discover in the future or some  
17 others, are clearly, in our view, right for sampling because of  
18 the nature of the, the tens of thousands of documents  
19 associated with those particular, with that particular  
20 discovery.

21 So we will and, and do pledge to the Court to continue  
22 our discussions to see if we can get to agreement on claims  
23 file discovery and, and then, you know, the chips will fall  
24 where they may on any motion for reconsideration.

25 So your Honor, I guess I'll stop there setting forth

1 the, I guess, saving a minute for not rebuttal, but just  
2 further discussion about procedurally how the Court would like  
3 to look at this for March 30, assuming we go forward. But I'll  
4 stop in case others have comments about our statements.

5 THE COURT: Ms. Ramsey.

6 MS. RAMSEY: Thank you again, your Honor. Natalie  
7 Ramsey for the record.

8 Your Honor, we're not going to preargue anything  
9 today, but, sort of trying to keep the truce that has broken  
10 out.

11 But, but I will just say for the record that our  
12 general interest and goal with respect to a sample is to put  
13 both parties on, I'll call it, a level playing field where  
14 there's a discrete number of files that we're both looking to  
15 and considering as part of estimation and clearly, if, if there  
16 is a motion for reconsideration, those are issues that we're  
17 going to have to evaluate how to respond to.

18 THE COURT: Uh-huh (indicating an affirmative  
19 response).

20 MS. RAMSEY: Thank you.

21 THE COURT: Understood.

22 MR. GUY: Nothing to add, your Honor.

23 THE COURT: Mr. Parrish.

24 MR. PARRISH: Thank you, your Honor. Again, Felton  
25 Parrish for the DCPF.

1 THE COURT: Thank you all.  
2 (Proceedings concluded at 1:39 p.m.)  
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7 CERTIFICATE

8 I, court approved transcriber, certify that the  
9 foregoing is a correct transcript from the official electronic  
10 sound recording of the proceedings in the above-entitled  
11 matter.

12 /s/ Janice Russell February 17, 2023

13 Janice Russell, Transcriber Date  
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