

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

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

Plaintiff(s),

vs.

ALDRICH PUMP LLC, *et al.*,

Defendant(s).

Miscellaneous Proceeding

Case No. 22-00303 (JCW)

(Transferred from District of Delaware)

In re:

Chapter 11

ALDRICH PUMP LLC, *et al.*,¹

Case No. 20-30608

Debtors.

**NON-PARTY CERTAIN MATCHING CLAIMANTS’ OPPOSITION TO THE
DEBTORS’ MOTION TO STRIKE**

The Non-Party Certain Matching Claimants, as non-parties, by and through the undersigned counsel, hereby object to the Debtors’ Motion to Strike Pleadings filed by Non-Party Certain Matching Claimant (Dkt. 84) (the “Motion to Strike”).²

1. Debtors’ Motion to Strike attacks the following pleadings: *Non-Party Certain Matching Claimants’ Opposition to the Debtors’ Motion for Rehearing Concerning the Issue of Sampling on DCPF’s Subpoena-Related Motions* [Docket No. 63]; *Joinder to Motion of Third Party Asbestos Trusts’ Motion for Adjournment and Related Relief* [Docket No. 64] filed on behalf of all Non-Party Certain Matching Claimants in *AC&S Asbestos Settlement Trust et al. v. Aldrich*

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 not otherwise defined have the meanings given to them in the Motion to Strike.



Pump et al., Case No. 23-300; *Joinder to Motion Third Party Motion for Adjournment on Behalf of Verus Trust* [Docket No. 65] filed on behalf of all Non-Party Certain Matching Claimants in AC&S Asbestos Settlement Trust et al. v. Aldrich Pump et al., Case No. 23-300; *Joinder to Motion of Third-Party Asbestos Trusts' Motion for Adjournment and Related Relief* [Docket No. 66] filed on behalf of Certain Matching Claimants; *Joinder to Motion of Third-Party Motion for Adjournment on Behalf of Verus Trust* [Docket No. 67] filed on behalf of Certain Matching Claimants; and *Joinder to Non-Party Certain Matching Claimants' Opposition to the Debtors' Motion for Rehearing Concerning the Issue of Sampling on DCPF's Subpoena-Related Motions* [Docket No. 68] filed on behalf of all Non-Party Certain Matching Claimants in AC&S Asbestos Settlement Trust et al. v. Aldrich Pump et al., Case No. 23-300 (collectively, the "Certain Matching Claimants' Pleadings").

2. On February 22, 2023, the Court entered its *Order Denying Motion to Proceed Anonymously* [Misc. Pro. 23-00300, Docket No. 21] (the "New Jersey Proceeding Order") in the proceeding transferred from the District of New Jersey. The New Jersey Proceeding Order provided that "[t]he requirement that any Movants identify themselves shall be stayed until the 31st day following entry of this Order to permit such Movants (if desired) to seek a stay pending appeal from the district court."

3. On March 7, 2023, the Non-Party Certain Matching Claimants filed their Notice of Appeal of the New Jersey Proceeding Order and on March 24, 2023, the Non-Party Certain Matching Claimants filed a *Motion for Stay Pending Appeal* [District Ct. Case No. 23-00144, Docket No. 2]. The deadline to respond to the Motion for Stay Pending Appeal is set for April 7, 2023. Accordingly, the District Court has not yet ruled on the *Motion for Stay Pending Appeal*.

4. As to the Non-Party Certain Matching Claimants' various Joinders, Debtors' Motion to Strike ignores the pending appeal of the Order Denying Anonymity or the Motion to Stay Pending Appeal. Both the appeal and the Motion to Stay Pending Appeal are properly before the District Court, and they have not been ruled upon. Absent a ruling from the District Court, the appeal, and the Motion to Stay Pending Appeal are unresolved. Debtors' argument that the Non-Party Certain Matching Claimants failed to obtain a stay pending appeal ignores the reality that an application for a stay has been made and is pending before the District Court.

5. The Non-Party Certain Matching Claimants, in filing the various pleadings related to the Debtors' Motion for Rehearing, have merely sought to be heard on the re-argument of the Motion to Quash. The ability to be heard on issues concerning the Motion to Quash with respect to DCPF was an explicit pre-condition of Non-Party Certain Matching Claimants' consent to transfer the New Jersey proceeding to this Court. By seeking to strike the Non-Party Certain Matching Claimants' joinders, the Debtors are seeking to circumvent the very deal that was struck to consensually transfer the New Jersey proceeding.

6. To the extent consistent herewith, the Non-Party Certain Matching Claimants join and adopt as if fully set forth herein other Non-Party Certain Matching Claimants' opposition to the Motion to Strike.

CONCLUSION

Debtors' Motion to Strike seeks to improperly silence the Non-Party Certain Matching Claimants. The Debtors are improperly attempting to relitigate the Court's prior rulings on random sampling, by advancing new theories, in an attempt to reargue the merits of the case without demonstrating the necessary grounds to warrant a reconsideration of the Court's oral ruling. If the

Court determines to reconsider the Court's oral rulings, it must deny the Debtors' Motion to Strike and allow the Non-Party Certain Matching Claimants to oppose the relief sought by the Debtors.

Respectfully submitted this the 29th day of March 2023.

Respectfully submitted,

**WALDREP WALL BABCOCK
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/s/ Thomas W. Waldrep, Jr.

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(Admitted pro hac vice)

*Counsel for the Non-Party
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing NON-PARTY CERTAIN MATCHING CLAIMANTS' OPPOSITION TO THE DEBTORS' MOTION TO STRIKE 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 29th day of March 2023.

**WALDREP WALL BABCOCK
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/s/ Thomas W. Waldrep, Jr. _____

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