

FILED & JUDGMENT ENTERED
Steven T. Salata
May 3 2023
Clerk, U.S. Bankruptcy Court
Western District of North Carolina



J. Craig Whitley
J. Craig Whitley
United States Bankruptcy Judge

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

In re

ALDRICH PUMP LLC, *et al.*,¹

Debtors.

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

Plaintiff(s),

v.

ALDRICH PUMP LLC, *et al.*

Defendant(s).

Chapter 11

Case No. 20-30608 (JCW)

(Jointly Administered)

Miscellaneous Pleading

No. 22-00303 (JCW)

(Transferred from District of Delaware)

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.



AC&S ASBESTOS SETTLEMENT TRUST,
COMBUSTION ENGINEERING 524(G)
ASBESTOS PI TRUST, GI HOLDINGS INC.
ASBESTOS PERSONAL INJURY
SETTLEMENT TRUST, GST SETTLEMENT
FACILITY, KAISER ALUMINUM &
CHEMICAL CORPORATION ASBESTOS
PERSONAL INJURY TRUST, QUIGLEY
COMPANY, INC. ASBESTOS PI TRUST T H
AGRICULTURE & NUTRITION, L.L.C.
ASBESTOS PERSONAL INJURY TRUST, and
YARWAY ASBESTOS PERSONAL INJURY
TRUST,

Petitioners,

v.

ALDRICH PUMP LLC and MURRAY BOILER
LLC,

Respondents,

VERUS CLAIM SERVICES, LLC,

Interested Party,

NON-PARTY CERTAIN MATCHING
CLAIMANTS,

Interested Party.

Miscellaneous Pleading

No. 23-00300 (JCW)

(Transferred from District of New Jersey)

**ORDER SCHEDULING REHEARING MOTION FOR JUNE 6, 2023, AND
SETTING RELATED BRIEFING SCHEDULE**

RECITALS

A. On March 9, 2023, the Debtors filed the *Debtors' Motion for Rehearing Concerning the Issue of Sampling on DCPF's Subpoena-Related Motions* [MP Docket No. 54] ("Rehearing Motion") and associated pleadings to which multiple parties filed responses and objections as more fully described in Section 10.a of the *Notice of Second Amended Proposed*

Agenda of Matters Scheduled for Hearing on Thursday, March 30, 2023, at 9:30 a.m. [MP Docket² No. 106] with all such pleadings incorporated by reference herein (collectively, with the Rehearing Motion, the “Rehearing Pleadings”).

B. On March 30, 2023, the Court held a hearing on the Rehearing Pleadings (the “Hearing”) and ruled that a rehearing should be held. March 30, 2023, Hr’g Tr. at 177:4-7 [MP Docket No. 119].

C. The Court then directed the parties to discuss the logistics of such a hearing, including but not limited to the procedural deadlines for filing additional documents and conducting any discovery.

THEREFORE, IT IS HEREBY ORDERED THAT:

1. On June 6, 2023, at 9:30 a.m. Eastern, the Court shall hold a hearing to determine whether the Objectors shall comply with the subpoenas at issue in Miscellaneous Pleading Nos. 22-00303 (JCW) and 23-00300 (JCW) for the full list of matching claimants or whether compliance with those subpoenas shall be restricted to a sample of the list of matching claimants.

2. In regard to the schedule for the June 6, 2023, hearing:

a. The Objectors³ shall submit any expert reports and/or declarations in support of sampling on or before April 25, 2023.

² Unless otherwise specified herein, references to “MP Docket No.” shall refer to Miscellaneous Pleading Case No. 22-00303 (JCW).

³ The Objectors consist of the Delaware Claims Processing Facility (“DCPF”); the Armstrong World Industries Asbestos Personal Injury Settlement Trust (“Armstrong”); Babcock & Wilcox Company Asbestos Personal Injury Settlement Trust (“B&W”); Celotex Asbestos Settlement Trust (“Celotex”); DII Industries, LLC Asbestos PI Trust (Halliburton, Harbison-Walker Subfunds) (“DII”); Federal Mogul U.S. Asbestos Personal Injury Trust (T&N, FMP, Flexitallic, Ferodo) (“Federal Mogul”); Flintkote Asbestos Trust (“Flintkote”); Owens Corning Fibreboard Asbestos Personal Injury Trust (FB and OC Subfunds) (“Owens Corning”); Pittsburgh Corning Corporation Asbestos PI Trust (“Pittsburgh Corning”); United States Gypsum Asbestos Personal Injury Settlement Trust (“United States Gypsum”); and WRG Asbestos PI Trust (“WRG”, and collectively with DCPF, Armstrong, B&W, Celotex, DII, Federal Mogul, Flintkote, Owens Corning, Pittsburgh Corning, and United States Gypsum, the “DCPF Parties”); Verus Claims Services, LLC (“Verus”); ACandS Asbestos Settlement Trust (“ACandS”); Combustion Engineering 524(g) Asbestos PI Trust (“Combustion Engineering”); G-I Holdings Inc. Asbestos Personal Injury Settlement Trust (“G-I Holdings”); GST Settlement Facility (“GST”); Kaiser Aluminum & Chemical Corporation Asbestos Personal Injury Trust

- b. The Objectors shall depose the Debtors' expert, Dr. Charles H. Mullin, on May 8, 2023 at 1:00 p.m.
- c. The Verus Parties (as defined in footnote 3 below) shall submit a brief in support of sampling, and the DCPF Parties (as defined in footnote 3 below) may supplement their arguments, on or before May 12, 2023.
- d. The Debtors shall have the right to depose on or before May 19, 2023, (a) any experts submitting expert reports and/or declarations on behalf of the Objectors; and (b) any others submitting declarations upon which the Objectors intend to rely at the June 6, 2023, hearing, including but not limited to (i) Richard Winner and (ii) Mark T. Eveland.
- e. The Debtors shall file a reply to the briefs of the Objectors on or before May 26, 2023.⁴

This Order has been signed electronically.
The Judge's signature and Court's seal appear
at the top of the Order.

United States Bankruptcy Court

("Kaiser"); Quigley Company, Inc. Asbestos PI Trust ("Quigley") T H Agriculture & Nutrition, L.L.C. Asbestos Injury Trust ("THAN"); and Yarway Asbestos Personal Injury Trust ("Yarway", and collectively with Verus, ACandS, Combustion Engineering, G-I Holdings, GST, Kaiser, Quigley, and THAN, the "Verus Parties").

⁴ The Future Claimants' Representative and Official Committee of Asbestos Personal Injury Claimants may each also file briefing, as each deems appropriate, consistent with the schedule set forth in paragraphs 2(c) and (e), above.