

FILED & JUDGMENT ENTERED  
Steven T. Salata  
  
June 26 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**

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.*,<sup>1</sup>  
  
Debtors.

Miscellaneous Proceeding  
  
No. 22-00303 (JCW)  
  
(Transferred from District of Delaware)

Chapter 11  
  
Case No. 20-30608

**ORDER GRANTING MOTION TO RECONSIDER  
RULING GRANTING MOTION TO STRIKE**

This matter came before the Court on the *Motion to Reconsider Ruling Granting Motion to Strike* [DCPF MP Docket No. 126]<sup>2</sup> (the “Motion to Reconsider”) filed by the Certain Matching Claimants on May 4, 2023.

<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.

<sup>2</sup> References to “Docket No.” shall cite to the docket of Case No. 20-30608, references to “DCPF MP Docket No.”



On March 27, 2023, the Debtors filed a *Motion to Strike Pleadings filed by the Non-Party Certain Matching Claimants* [DCPF MP Docket No. 84] (the “Motion to Strike”), seeking to strike certain pleadings related to the *Debtors’ Motion for Rehearing Concerning the Issue of Sampling on DCPF’s Subpoena-Related Motions* [Del. MP Docket No. 54] (“Rehearing Motion”), including:

1. *Non-Party Certain Matching Claimants’ Opposition to the Debtors’ Motion for Rehearing Concerning the Issue of Sampling on DCPF’s Subpoena-Related Motions* [DCPF MP Docket No. 63];
2. *Joinder to Motion of Third Party Asbestos Trusts’ Motion for Adjournment and Related Relief* [DCPF MP Docket No. 64] 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;
3. *Joinder to Motion Third Party Motion for Adjournment on Behalf of Verus Trust* [DCPF MP 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;
4. *Joinder to Motion of Third-Party Asbestos Trusts’ Motion for Adjournment and Related Relief* [DCPF MP Docket No. 66] filed on behalf of Certain Matching Claimants;
5. *Joinder to Motion of Third-Party Motion for Adjournment on Behalf of Verus Trust* [DCPF MP Docket No. 67] filed on behalf of Certain Matching Claimants; and
6. *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* [DCPF MP 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”).

On March 29, 2023, Non-Party Certain Matching Claimants opposed the Debtors’ Motion to Strike [DCPF MP Docket No. 104]. At the hearing on March 30, 2023, after argument, the Court granted the Debtors’ Motion to Strike for the reasons stated on the record at that hearing..<sup>3</sup>

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shall cite to the docket of Case No. 22-303.

<sup>3</sup> The Certain Matching Claimants appealed the Order Denying the Motion to Proceed Anonymously on February 20, 2023, commencing Case No. 3:23-cv-00099-MOC (the “District Court Appeal”).

See Transcript of Proceedings Before the Honorable J. Craig Whitley, United States Bankruptcy Judge, dated March 30, 2023 (“03/30/23 Hrg. Tr.”) 134:17-25, 135:1-17. An order memorializing the Court’s March 30, 2023, ruling granting the Debtors’ Motion to Strike has not yet been entered.

On April 26, 2023, the Honorable United States District Court Judge Max O. Cogburn entered an order granting the Certain Matching Claimants’ stay motion, staying the Order Denying Anonymity Motion pending the appeal of the Motion to Proceed Anonymously (the “District Court’s Stay Order”). [District Ct. Dkt. 6].<sup>4</sup>

Based upon consideration of the above-referenced Motion to Reconsider, as well as the arguments presented at hearings before the Court taking place on June 6, 2023 (the “Hearing”), and upon good cause shown, for the reasons stated on the record at the Hearing, the Court hereby FINDS, ORDERS, ADJUDGES AND DECREES that:

- A. The Motion to Reconsider is hereby GRANTED, and all objections thereto are OVERRULED, and the Certain Matching Claimants’ Pleadings are no longer stricken from the record.
- B. This order is without prejudice to the Debtors’ ability to re-notice their original Motion to Strike should circumstances change at the District Court or at the Circuit Court level.
- C. This Court retains exclusive jurisdiction over this Order and any and all matters arising from or relating to the implementation, interpretation or enforcement of this Order.

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

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<sup>4</sup> On June 9, 2023, the District Court considered and denied *Debtors’ Motion to Reconsider* the District Court’s Stay Order [District Ct. Dkt. 10].