

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

In re	:	Misc. No. 1:22-MC-00080-TJK-RMM
ALDRICH PUMP LLC, <i>et al.</i> ,	:	The Honorable Robin M. Meriweather
Debtors.	:	Underlying Case: <i>In re Aldrich Pump LLC</i> , No. 20-30608 (JCW) (U.S. Bankruptcy Court Western District of North Carolina, Charlotte Division)

**ALDRICH PUMP LLC AND MURRAY BOILER LLC'S
COMBINED STATUS REPORT**

Aldrich Pump LLC (“Aldrich”) and Murray Boiler LLC (“Murray”), (together, the “Debtors”), submit the following status report.

1. Aldrich and Murray are debtors in Chapter 11 proceedings pending in the United States Bankruptcy Court for the Western District of North Carolina (the “North Carolina Bankruptcy Court”).

2. On July 5, 2022, the Debtors served a subpoena on the Manville Personal Injury Settlement Trust (the “Manville Trust”), seeking information (the “Claims Data”) that the North Carolina Bankruptcy Court found “relevant and necessary” to the Debtors’ bankruptcy cases. Order Granting Motion of the Debtors for an Order Authorizing the Debtors to Issue Subpoenas on Asbestos Trusts and Paddock Enterprises, LLC, *In re Aldrich Pump LLC*, No. 20-30608 (JCW) [Dkt. 1240] (Bankr. W.D.N.C. July 1, 2022), ¶ 5.

3. On August 23, 2022, attorneys representing an unknown number of certain unknown individuals who allegedly filed and resolved asbestos personal injury claims against the Debtors in the tort system, and also sought to recover for those same asbestos personal injury



claims from the Manville Trust (the “Manville Matching Claimants”), initiated the instant action by filing a Motion to Quash the Debtors’ subpoena to the Manville Trust.¹ The Debtors filed their Opposition to the Motion to Quash on September 13, 2022,² and the Matching Claimants filed their Reply on September 27, 2022.³ The Manville Trust, the actual target of the subpoena, did not seek to quash the subpoena.

4. On September 13, 2022, the same day they filed their Opposition to the Motion to Quash, the Debtors moved pursuant to Federal Rule of Civil Procedure 45(f) to transfer this case to the North Carolina Bankruptcy Court, which is the “issuing court” under Rule 45.⁴ The Manville Matching Claimants filed their Response on September 27, 2022,⁵ and the Debtors filed their Reply on October 4, 2022.⁶

5. All briefing on the Motion to Quash and the Motion to Transfer has been complete since October 4, 2022. Both of those motions remain pending, and, apart from

¹ See Manville Trust Matching Claimants’ Motion to Quash or Modify Subpoena, or Alternatively, for Protective Order, *In re Aldrich Pump LLC*, No. 1:22-mc-00080-TJK-RMM [Dkt. 2] (D.D.C. Aug. 23, 2022) (the “Motion to Quash”).

² See Aldrich Pump LLC and Murray Boiler LLC’s Combined Memorandum of Law in Support of their Motion to Transfer Subpoena-Related Motions to the Issuing Court, and in Opposition to the Manville Trust Matching Claimants’ Motion to Quash or Modify Subpoena, or Alternatively, for Protective Order, *In re Aldrich Pump LLC*, No. 1:22-mc-00080-TJK-RMM [Dkt. 9] (D.D.C. Sept. 13, 2022).

³ See Manville Trust Matching Claimants’ Reply Memorandum in Support of Motion to Quash, *In re Aldrich Pump LLC*, No. 1:22-mc-00080-TJK-RMM [Dkt. 12] (D.D.C. Sept. 27, 2022).

⁴ See Aldrich Pump LLC and Murray Boiler LLC’s Combined Memorandum of Law in Support of their Motion to Transfer Subpoena-Related Motions to the Issuing Court, and in Opposition to the Manville Trust Matching Claimants’ Motion to Quash or Modify Subpoena, or Alternatively, for Protective Order, *In re Aldrich Pump LLC*, No. 1:22-mc-00080-TJK-RMM [Dkt. 7-2] (D.D.C. Sept. 13, 2022) (the “Motion to Transfer”).

⁵ See Movants the Manville Trust Matching Claimants’ Memorandum in Opposition to Motion to Transfer this Action to the United States Bankruptcy Court for the Western District of North Carolina, *In re Aldrich Pump LLC*, No. 1:22-mc-00080-TJK-RMM [Dkt. 11] (D.D.C. Sept. 27, 2022).

⁶ See Aldrich Pump LLC and Murray Boiler LLC’s Reply Brief in Support of their Motion to Transfer Subpoena-Related Motions to the Issuing Court, *In re Aldrich Pump LLC*, No. 1:22-mc-00080-TJK-RMM [Dkt. 13] (D.D.C. Oct. 4, 2022).

transferring the case to Magistrate Judge Meriweather on January 31, 2023, there have been no further developments on the matters before this Court since last October.

6. As described in detail in the Debtors' Motion to Transfer, *see* Motion to Transfer at 5–15, the North Carolina Bankruptcy Court authorized the Debtors to serve identical subpoenas on three other similarly situated entities that possess trust data similar to that held by Manville Trust. Motions to quash all of those subpoenas similar to those pending before this Court were filed in federal courts around the country, including (a) in the Bankruptcy Court for the District of Delaware concerning a subpoena issued to Paddock Enterprises LLC;⁷ (b) in the District Court for the District of Delaware concerning subpoenas issued to the Delaware Claims Processing Facility, LLC (“DCPF”) and certain trusts for whom DCPF administers claims;⁸ and (c) in the District Court for the District of New Jersey concerning subpoenas issues to Verus Claim Services, LLC (“Verus”) and certain trusts for whom Verus administers claims.⁹

7. Since the time that briefing was completed on the subpoena-related motions before this Court, all of the other subpoena-related objections and motions to quash filed in other courts and referred to above have been denied, and all of the subjects of those subpoenas have produced the information responsive to those subpoenas.

8. First, the Bankruptcy Court for the District of Delaware rejected Paddock and its related parties' request to quash the subpoenas. *See* Letter Ruling, *In re Paddock Enterprises*, No. 20-10028-LLS [Dkt. 1632] (Bankr. D. Del. Sept. 22, 2022). After that order was issued, certain parties in *Paddock* requested that additional protections be ordered beyond those ordered

⁷ *See* Docket, *In re Paddock Enterprises LLC*, No. 20-10028-LLS (Bankr. D. Del.).

⁸ *See* Docket, *Armstrong World Indus. Inc. Asbestos Pers. Inj. Settlement Tr. v. Aldrich Pump LLC*, No. 22-mc-00303 (Bankr W.D.N.C.).

⁹ *See* Docket, *AC&S Asbestos Settlement Tr. v. Aldrich Pump LLC*, No. 23-mc-00300 (Bankr W.D.N.C.).

by the North Carolina Bankruptcy Court to govern the production and use of the Claims Data.¹⁰ The *Paddock* court rejected these arguments on January 6, 2023, finding that the protections in place were more than adequate and ordering that the Claims Data be produced in full. *See* Proceedings, *In re Paddock Enterprises*, No. 20-10028-LLS [Dkt. 1693] (Bankr. D. Del. Jan. 6, 2023). Paddock produced the information responsive to the Debtors' subpoena shortly thereafter.

9. Second, the District Courts in Delaware and New Jersey transferred the DCPF subpoena-related motions and Verus subpoena-related motions to the North Carolina Bankruptcy Court on October 3, 2022 and January 11, 2023, respectively. After additional briefing and oral argument before the North Carolina Bankruptcy Court relating to both sets of subpoenas, on July 3, 2023, the North Carolina Bankruptcy Court denied all motions to quash and ordered that the Claims Data responsive to the subpoenas be produced in full on or before October 1, 2023. *See* Order (I) Denying Motions to Quash and Motion to Strike and (II) Granting Motion for rehearing, *Armstrong World Indus., Inc. Asbestos Pers. Inj. Settlement Tr. v. Aldrich Pump LLC*, No. 22-mc-00303 [Dkt. 170] (Bankr. W.D.N.C. July 3, 2023); Order Denying Motions to Quash and Motion to Strike, *AC&S Asbestos Settlement Tr. v. Aldrich Pump LLC*, No. 23-mc-00300 [Dkt. 85] (Bank. W.D.N.C. July 3, 2023). DCPF produced the responsive data on September 29, 2023, and Verus produced the responsive data on October 2, 2023.

10. As a result, the only unresolved subpoena is the one that sits in this Court: the Debtors' subpoena to the Manville Trust, which is subject to the Motion to Transfer filed by the Debtors and the Motion to Quash filed by the Matching Claimants. Each has been fully briefed

¹⁰ *See* Supplemental Brief and Motion for Stay of Discovery of the Owens-Illinois Asbestos Personal Injury Trust, the Owens-Illinois Asbestos Trust Advisory Committee, and the Court-Appointed Future Claimants' Representative in Response to the Court's Letter Ruling, *In re Paddock Enterprises LLC*, No. 20-10028-LSS [Dkt. 1657] (Bankr. D. Del. Nov. 28, 2022).

for a year. The information sought by the subpoena remains, as the North Carolina Bankruptcy Court found, “relevant and necessary” to the Debtors’ bankruptcy proceedings. A prompt ruling from this Court on the Motions before it will allow the Debtors to timely incorporate any responsive information obtained from the Manville Trust into the estimation-related work being performed in connection with the bankruptcy cases.

11. The Debtors respectfully request either: (a) that pursuant to Rule 45(f), this Court grant their Motion to Transfer and transfer all proceedings to the North Carolina Bankruptcy Court; (b) that the Court deny the Manville Matching Claimants’ Motion to Quash or (c) schedule a hearing so we can more fully update the Court on status. Given the North Carolina Bankruptcy Court’s hearings and rulings on subpoena-related issues are substantially similar to those raised in the Motion to Quash, described above, the Debtors respectfully submit that the reasons to transfer adjudication of the Motion to Quash have only strengthened since the Debtors filed the Motion to Transfer.

Dated: October 4, 2023

Respectfully submitted,

/s/ David S. Torborg

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CERTIFICATE OF SERVICE

I hereby certify that on October 4, 2023, I filed the foregoing document with the Clerk of the court via the court's CM/ECF system, which then caused it to be served upon all parties of record.

Respectfully submitted,

/s/ David S. Torborg