

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

<p>In re</p> <p>ALDRICH PUMP LLC, <i>et al.</i>,¹</p> <p>Debtors.</p>	<p>Chapter 11</p> <p>Case No. 20-30608 (JCW)</p> <p>(Jointly Administered)</p>
--	--

DEBTORS' RESPONSE TO THE OFFICIAL COMMITTEE OF ASBESTOS PERSONAL INJURY CLAIMANTS' MOTION TO QUASH SUBPOENAS SENT TO DEBTORS

Aldrich Pump LLC ("Aldrich") and Murray Boiler LLC ("Murray"), as debtors and debtors in possession (together, the "Debtors"), hereby file this response to the *Motion to Quash Subpoenas Sent to Debtors* [Docket No. 2157] (the "Motion") filed by the Official Committee of Asbestos Personal Injury Claimants (the "ACC").

1. The ACC moves this Court for the entry of an order quashing the Subpoenas to Produce Documents, Information, or Objects or Permit Inspection of Premises in Bankruptcy Case (Or Adversary Proceeding) (the "Subpoenas") served on both Aldrich and Murray by DBMP LLC ("DBMP"). The Subpoenas seek the production of information regarding asbestos claimants of Aldrich and Murray respectively, from the Debtors' asbestos claim database. The Debtors understand that the Subpoenas have been served in connection with ongoing estimation proceedings concerning DBMP and are the subject of a pending objection and motion to strike filed by the Official Committee of Asbestos Claimants in the DBMP chapter 11 case.

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. The Subpoenas and subsequent Motion place the Debtors in the unusual position of being the target of the served Subpoenas, with a motion to quash having been filed not in the court of compliance, but in the Debtors' bankruptcy cases. As a result, the Debtors file this Response to clarify its position with the Court.

3. First, the Debtors clarify that they will not produce any information in response to the Subpoenas until the pending Motion and its companion motions are resolved, but have taken, and are continuing to take, reasonable steps to preserve potentially responsive information pending the Court's rulings.

4. Second, in the Debtors' view, the Motion before this Court in this case is filed in the wrong case and, therefore, procedurally improper. Under Rule 45, the Motion shall be filed in "the district where compliance is required." See Fed. R. Bankr. P. 9016 incorporating Fed. R. Civ. P. 45. While the Debtors agree that the district of compliance for the Subpoenas served on the Debtors is the Western District of North Carolina, the Debtors believe the Motion should proceed in the issuing Court (i.e., *In Re: DBMP LLC*, Case No. 20-30080 (Bankr. W.D.N.C.)).

5. A separate objection and motion to strike these same Subpoenas was filed in DBMP's chapter 11 case by the Official Committee of Asbestos Claimants in the DBMP proceeding (*Official Committee of Asbestos Personal Injury Claimants of DBMP LLC's Objection to and Motion to Strike Subpoenas Issued by Debtor To Aldrich Pump LLC, Bestwall LLC, and Murray Boiler LLC* [Docket No. 2730], *In Re: DBMP LLC*, Case No. 20-30080 (Bankr. W.D.N.C.)). As your honor presides over both the DBMP chapter 11 case and the Aldrich and Murray chapter 11 cases, the multiple motions to quash filed in the DBMP and Aldrich/Murray matters are being heard jointly at a single hearing.

6. The Debtors have not objected to the Subpoenas and do not intend to do so.

Although the Debtors will leave it to the proponent and the objecting parties to litigate the propriety and substance of the Subpoenas, the Debtors would bring the Court's attention to the following:

- a) The issues raised by these Subpoenas have already been litigated before both this court and the *Bestwall* court. In March 2022, Bestwall served almost identical subpoenas to those at issue here on both DBMP and Aldrich/Murray. In *Bestwall*, on May 18, 2022, Judge Beyer largely overruled the Bestwall Committee's objections to the subpoenas.² Likewise, in *Aldrich*, this Court largely overruled the DBMP and Aldrich Committee's objections to the subpoenas.³
- b) The Debtors do not anticipate that the production of the information sought by these Subpoenas would pose an unreasonable burden.
- c) The data that would be produced in response to these Subpoenas would be a subset of the data that has already been produced to the ACC, FCR, and their experts through the production of the Debtors' claims database. Pursuant to the language of the Subpoenas, the Debtors understand that the data produced in response to the Subpoenas would be subject to the same confidentiality protections as the production to the ACC, the FCR, and their experts.

7. Should this Court rule that the Subpoenas are valid, the Debtors, subject to any expenses of compliance being reimbursed by the appropriate party, will be prepared to comply with the Subpoenas within a reasonable time thereafter, and, as with other productions of database information in this case, pursuant to the same or similar confidentiality restrictions provided for under the *Agreed Protective Order Governing Confidential Information* [Docket No. 345] (the "Protective Order"), this Court's *Order Granting Motion of the Debtors for an Order Authorizing the Debtors to Issue Subpoenas on Asbestos Trusts and Paddock Enterprises, LLC* [Docket No. 1240] or in any other manner the Court deems just and proper.

² See 5/18/22 Tr. in *In re Bestwall*, Case No. 17-31795-LTB (Bankr. W.D.N.C.).

³ See 5/26/22 Tr. of joint hearing in *In re DBMP LLC*, Case No. 20-30080-JCW and *In re: Aldrich Pump LLC, et al.*, Case No. 20-30608-JCW (Bankr. W.D.N.C.).

8. Further, should this (or some other) Court rule that the Subpoenas are valid, the Debtors will seek similar information relevant to their own estimation proceeding via subpoena from Bestwall and DBMP. To that end, with respect to such a subpoena, the Debtors believe the information is relevant to this estimation proceeding, is limited in scope, can be produced with minimal cost and effort, will be protected by the in-place confidentiality orders, and production of the information will allow the Debtors experts to increase the reliability of their ultimate forecast.

Dated: April 3, 2024
Charlotte, North Carolina

Respectfully submitted,

/s/ John R. Miller, Jr.

C. Richard Rayburn, Jr. (NC 6357)
John R. Miller, Jr. (NC 28689)
RAYBURN COOPER & DURHAM, P.A.
227 West Trade Street, Suite 1200
Charlotte, North Carolina 28202
Telephone: (704) 334-0891
Facsimile: (704) 377-1897
E-mail: rrayburn@rcdlaw.net
jmiller@rcdlaw.net

-and-

Brad B. Erens (IL Bar No. 6206864)
Morgan R. Hirst (IL Bar No. 6275128)
Caitlin K. Cahow (IL Bar No. 6317676)
JONES DAY
77 West Wacker
Chicago, Illinois 60601
Telephone: (312) 782-3939
Facsimile: (312) 782-8585
E-mail: bberens@jonesday.com
mhirst@jonesday.com
ccahow@jonesday.com
(Admitted *pro hac vice*)

-and-

C. Michael Evert, Jr.
Clare M. Maisano
EVERT WEATHERSBY HOUFF
3455 Peachtree Road NE, Suite 1550
Atlanta, Georgia 30326
Telephone: (678) 651-1200
Facsimile: (678) 651-1201
E-mail: cmevert@ewhlaw.com
cmmaisano@ewhlaw.com
(Admitted *pro hac vice*)

SPECIAL ASBESTOS LITIGATION
COUNSEL FOR DEBTORS AND
DEBTORS IN POSSESSION