

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

In re:

ALDRICH PUMP LLC, *et al.*,¹

Debtors.

Chapter 11

Case No. 20-30608 (LMJ)

(Jointly Administered)

**THE OFFICIAL COMMITTEE OF ASBESTOS PERSONAL INJURY CLAIMANTS'
RESPONSE TO THE BANKRUPTCY ADMINISTRATOR'S MOTION TO MODIFY
ORDER ESTABLISHING MEDIATION PROTOCOL**

The Official Committee of Asbestos Personal Injury Claimants (the "Committee") of Aldrich Pump LLC and Murray Boiler LLC (the "Debtors") hereby files this response ("Response") in support of the *Motion to Modify Order Establishing Mediation Protocol* [Dkt. No. 2887] (the "Motion")² filed by the United States Bankruptcy Administrator for the Western District of North Carolina (the "Bankruptcy Administrator"), and respectfully states as follows:

RESPONSE

1. The Committee agrees that mediation at this stage of the case will inform the parties whether, and, if so, how, a consensual resolution of this case may be achieved.
2. The Debtors and FCR have stated that a consensual resolution is their ultimate objective.³ Consistently, in responding to the Bankruptcy Administrator's July 2022 request for

¹ The Debtors are the following entities (the last four digits of the Debtors' 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 used herein without definition have the meanings assigned them in the Motion.

³ *Informational Brief of Aldrich Pump LLC and Murray Boiler LLC* [Dkt No. 5], at 36.



an order directing mediation,⁴ the Debtors resolutely stated that their “single goal” in these Chapter 11 cases is “a permanent, global, and fair resolution” of the asbestos personal injury claims. *Debtors’ Response to Motion for Order Directing Parties to Mandatory Mediation and Establishing Mediation Procedures* [Dkt. No. 1373] at 1 (“Debtors’ 2022 Mediation Motion Response”).⁵ The Committee has steadfastly observed that a consensual resolution will only be achieved with a structure that preserves claimants’ jury trial and other rights.

3. The Committee suggests two changes to the Bankruptcy Administrator’s proposal.

4. First, the Motion suggests that any order authorize the Mediator, in his discretion, to speak to individual Committee members (“Committee Members”), with Committee bankruptcy counsel present, but without the participation of the individual members’ respective counsel (“Member Counsel”). Motion, ¶ 8. As written, the proposed order would authorize the Mediator to exclude Member Counsel from his communications with the Committee Members. The Committee believes that Committee Members should have the right, if they desire, to have their counsel present during any communication and to be represented by and consult with Member Counsel in connection with all aspects of serving on the Committee. Moreover, permitting such

⁴ *Motion for Order Directing Parties to Mandatory Mediation and Establishing Mediation Procedures* [Dkt. No. 1247]. Each of the FCR, the Non-Debtor Affiliates, and certain of the Debtors’ insurers responded in support of the motion, expressing their respective willingness to participate in mediation. *The Future Asbestos Claimants’ Representative’s Response in Support of Bankruptcy Administrator’s Motion for Order Directing Parties to Mandatory Mediation and Establishing Mediation Procedures* [Dkt. No. 1298]; *The Non-Debtor Affiliates’ Response to the Motion for Order Directing Parties to Mandatory Mediation and Establishing Mediation Procedures* [Dkt. No. 1370]; *Response of Certain Insurers to the Bankruptcy Administrator’s Motion to Compel Mediation* [Dkt. No. 1289].

⁵ The Debtors’ 2022 Mediation Motion Response requested deferral of mediation due to certain matters then in process, such as litigation related to trust and other third-party discovery and the then-pending submission of personal injury questionnaires. Debtors’ 2022 Mediation Motion Response at 2-3. The Bankruptcy Court disagreed, ordering mediation in December 2022, entering an order establishing a mediation protocol in February 2023, and entering a supplemental order in April 2023. *Order Directing Parties to Mandatory Mediation and Establishing Mediation Procedures* [Dkt. No. 1298]; *Order Establishing Mediation Protocol* [Dkt. No. 1608]; *Supplemental Order Further Establishing Mediation Protocol* [Dkt. No. 1726]. In any event, the processes then raised as a potential distraction by the Debtors are completed. See, e.g., Debtors’ Motion to Amend Estimation CMO, ¶¶ 7, 16.

involvement recognizes the foreseeable potential that on any given day one or more Committee Members may be unable to personally appear at mediation (for example due to medical care or conditions). Accordingly, the Committee proposes that the Motion be granted as modified to permit Committee Members to participate at mediation with or through Member Counsel, at the Committee Member's discretion.

5. Second, as proposed, the Mediator would be directed to convene mediation within 90 days of the entry of an order. Motion, ¶ 6. While the Committee agrees that mediation should commence as soon as practicable, the Committee is cognizant of timing, including and in particular the intervening holidays. Accordingly, the Committee proposes that if the Mediator is unable to schedule a mediation within the 90-day period because of *their* unavailability, that the Mediator should be given a reasonable additional time to schedule a mediation before any proposed substituted or replacement mediator is considered.⁶

6. The Committee has raised these two requests with the Bankruptcy Administrator, who has agreed to the inclusion of such language in an order granting the Motion.

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⁶ The Bankruptcy Administrator has offered to facilitate an introductory meeting between C. Edward Dobbs, Esquire and Committee Counsel should substitution of a Mediator be required. At this time, based solely on the Committee's unfamiliarity with Attorney Dobbs as a mediator, the Committee reserves on the identity of any mediator other than the Mediator.

WHEREFORE, the Committee respectfully requests that the Court grant the Motion with the amendments discussed herein and grant such other and further relief as the Court deems just and proper.

Dated: November 17, 2025
Charlotte, North Carolina

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