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Proposed Counsel for Debtor and Debtor in Possession

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re: :
 : **Chapter 11**
 :
HOPEMAN BROTHERS, INC., : **Case No. 24-32428 (___)**
 :
 : **Debtor.** :
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MOTION OF THE DEBTOR FOR ENTRY OF AN ORDER (I) WAIVING THE REQUIREMENT TO SUBMIT A FORMATTED MAILING MATRIX; (II) APPROVING THE FORM AND MANNER OF NOTICE OF COMMENCEMENT OF THE CHAPTER 11 CASE; AND (III) GRANTING RELATED RELIEF

Hopeman Brothers, Inc., the debtor and debtor in possession in the above-captioned chapter 11 case (the “Debtor”), respectfully represents as follows in support of this motion (the “Motion”):

RELIEF REQUESTED

1. The Debtor hereby seeks entry of an order:
 - (a) waiving the requirement to submit a formatted mailing matrix;
 - (b) approving the form and manner of notice of commencement of the chapter 11 case; and
 - (c) granting related relief.

2. A proposed form of order granting the relief requested herein is annexed hereto as **Exhibit A** (the “Proposed Order”) and annexed to the Proposed Order as **Exhibit 1** is a combined



notice of the commencement of the chapter 11 case and meeting of creditors (the “Notice of Commencement”).

JURISDICTION AND VENUE

3. The United States Bankruptcy Court for the Eastern District of Virginia (the “Court”) has jurisdiction over this matter pursuant to 28 U.S.C. § 1334 and the *Standing Order of Reference from the United States District Court for the Eastern District of Virginia*, dated August 15, 1984. This is a core proceeding pursuant to 28 U.S.C. § 157, and the Court may enter a final order consistent with Article III of the United States Constitution. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

4. The bases for the relief requested herein are sections 105(a) and 521(a)(1) of title 11 of the United States Code, 11 U.S.C. §§ 101–1532 (the “Bankruptcy Code”), rules 9007 and 1007(a)(1) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and rule 1007-1(H) of the Local Rules of the United States Bankruptcy Court for the Eastern District of Virginia (the “Bankruptcy Local Rules”).

BACKGROUND

5. On June 30, 2024 (the “Petition Date”), the Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code in this Court commencing this chapter 11 case.

6. The Debtor continues to manage its business as debtor in possession pursuant to sections 1107 and 1108 of the Bankruptcy Code. No trustee, examiner, or statutory committee has been appointed in this chapter 11 case.

7. Additional information regarding the Debtor’s business and the circumstances leading to the commencement of this chapter 11 case is set forth in detail in the *Declaration of Christopher Lascell in Support of Chapter 11 Petition and First Day Pleadings of Hopeman*

Brothers, Inc. (the “First Day Declaration”), filed contemporaneously herewith and incorporated herein by reference.

BASIS FOR RELIEF

I. Request for Waiver of Submitting Mailing Matrix

8. Section 105(a) of the Bankruptcy Code and rule 9007 of the Bankruptcy Rules authorize the Court to approve the form, manner and sufficiency of notices provided under the Bankruptcy Rules. *See* 11 U.S.C. § 105(a); Fed. R. Bankr. P. 9007.

9. Pursuant to section 521(a)(1) of the Bankruptcy Code, rule 1007(a)(1) of the Bankruptcy Rules, and rule 1007-1(H) of the Bankruptcy Local Rules, a chapter 11 petition must be accompanied by a list of creditors including the name and address of each entity included or to be included on a debtor’s schedules of assets and liabilities (the “Creditor Matrix”). Rule 1007-1(H)(1) of the Bankruptcy Local Rules further requires that a debtor submit this list of creditors either on a flash drive in a format specified by the office of the clerk of the Court or via the electronic case files system. Pursuant to rule 1007-1(H)(3) of the Bankruptcy Local Rules, however, the Court may waive the requirement to submit creditor information on a flash drive. Article VI.D.5.b of the “Procedures for Complex Cases in the Eastern District of Virginia” further provides that a waiver of the requirement to file a mailing matrix may be sought where a claims agent is being retained to handle noticing.

10. The Debtor has contemporaneously herewith filed a motion for entry of an order authorizing the appointment of Kurtzman Carson Consultants, LLC dba Verita Global (“Verita”) as claims and noticing agent in this chapter 11 case. The Debtor will furnish its Creditor Matrix to Verita so that Verita can undertake the mailing of the Notice of Commencement and all other major notices to be given to creditors in this chapter 11 case. Verita also will be prepared to make the Creditor Matrix available in electronic form to any party in interest who so requests and in

non-electronic format at such requesting party's sole cost and expense in lieu of filing a mailing matrix.

11. Because Verita will use the Creditor Matrix to furnish creditors with the Notice of Commencement, and because Verita will handle the major notices to be given to creditors in this case and make the Creditor Matrix reasonably available to parties in interest in this case, the submission of the Creditor Matrix to this Court serves no practical purpose.

12. Thus, the Debtor respectfully requests that the Court waive the requirement to file a Creditor Matrix with the Court.

II. Request for Approval of Notice of Commencement

13. Pursuant to rule 2002-1(A) of the Bankruptcy Local Rules, the Debtor also requests authority for Verita to serve the Notice of Commencement. The Debtor proposes that the Notice of Commencement be served by electronic mail, if the Debtor has electronic mail addresses available, or by regular mail to known mailing addresses, postage prepaid, on those entities entitled to receive such notice pursuant to rule 2002(a) of the Bankruptcy Rules and rule 2002-1 of the Bankruptcy Local Rules, and that such service occur no later than five (5) business days after the Debtor receives notice from the Office of the United States Trustee for the Eastern District of Virginia of the time and place of the section 341 meeting. The Debtor hereby requests that the Court approve the foregoing as providing sufficient notice of the commencement of these chapter 11 cases and the section 341 meeting.

14. Bankruptcy Courts in Virginia routinely grant the relief requested herein. *See, e.g., In re Enviva Inc.*, Case No. 24-10453 (BFK) [Docket No. 131] (Bankr. E.D. Va. Mar. 18, 2024); *In re Chinos Holdings, Inc., et. al.*, Case No. 20-32181 (KLP) [Docket No. 75] (Bankr. E.D. Va. May 5, 2020); *In re LeClairRyan PLLC*, Case No. 19-34574 (KRH) [Docket No. 23] (Bankr. E.D.

Va. Sept. 3, 2019); *In re Alpha Natural Resources, Inc.*, Case No. 15-33896 (KRH) [Docket No. 59] (Bankr. E.D. Va. Aug. 4, 2015); *In re Health Diagnostic Laboratory, Inc.*, Case No. 15-32919 (KRH) [Docket No. 23] (Bankr. E.D. Va. June 8, 2015).

NOTICE

15. Notice of this Motion will be given to: (a) the Office of the United States Trustee for the Eastern District of Virginia; (b) the 20 law firms with the largest number of asbestos personal injury claims currently pending against the Debtor; (c) the 20 law firms that represent clients with, collectively, the largest unpaid settlement amounts; (d) counsel to the Chubb Settling Insurers; and (e) all parties that have requested or that are required to receive notice pursuant to Bankruptcy Rule 2002. The Debtor submits that, under the circumstances, no other or further notice is required.

WAIVER OF SEPARATE MEMORANDUM OF POINTS AND AUTHORITIES

16. The Debtor respectfully requests that the Court regard any argument and citations set forth herein as a written memorandum of facts, reasons, and authorities that has been combined with the relief requested herein, as permitted by rule 9013-1(F)(1). Alternatively, the Debtor respectfully requests that the Court waive any requirement set forth in rule 9013(F)(1) that this Motion be accompanied by such a written memorandum.

NO PREVIOUS REQUEST

17. No previous request for the relief sought herein has been made by the Debtor to this or any other court.

[Remainder of page intentionally left blank]

WHEREFORE the Debtor respectfully requests that the Court enter the Proposed Order granting the relief requested in this Motion and such other and further relief as may be just and proper.

Dated: June 30, 2024
Richmond, Virginia

/s/ Henry P. (Toby) Long, III

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Proposed Counsel for the Debtor and Debtor in Possession

Exhibit A

Proposed Order

HUNTON ANDREWS KURTH LLP
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Proposed Counsel for Debtor and Debtor in Possession

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re: : **Chapter 11**
:
HOPEMAN BROTHERS, INC., : **Case No. 24-32428 (___)**
:
Debtor. :
:
:
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ORDER (I) WAIVING THE REQUIREMENT TO SUBMIT A FORMATTED MAILING MATRIX; (II) APPROVING THE FORM AND MANNER OF NOTICE OF COMMENCEMENT OF THE CHAPTER 11 CASE; AND (III) GRANTING RELATED RELIEF

Upon the motion (the "Motion")¹ of the above-captioned debtor in the above-captioned chapter 11 case (the "Debtor") for entry of an order (this "Order") (i) waiving the requirement to submit a formatted mailing matrix; (ii) approving the form and manner of notice of commencement of the chapter 11 case; and (iii) granting related relief, all as more fully set forth in the Motion; and the Court having jurisdiction to consider the Motion and the relief requested therein in accordance with 28 U.S.C. § 1334 and the *Standing Order of Reference from the United States District Court for the Eastern District of Virginia*, dated August 15, 1984; and the Court having

¹ Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.

found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2) and that the Court may enter a final order consistent with Article III of the United States Constitution; and the Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that proper and adequate notice of the Motion has been given and that no other or further notice is necessary; and upon the record herein; and after due deliberation thereon; and the Court having determined that there is good and sufficient cause for the relief granted in this order, it is hereby

ORDERED, ADJUDGED AND DECREED THAT:

1. The Motion is granted.
2. The combined form of the notice of commencement of the chapter 11 case and the meeting of creditors pursuant to section 341 of the Bankruptcy Code, annexed hereto as **Exhibit 1** (the "Notice of Commencement"), is approved.
3. The requirement that the Debtor file a Creditor Matrix with the Court pursuant to section 521(a)(1) of the Bankruptcy Code, rule 1007(a)(1) of the Bankruptcy Rules, and rule 1007-1(H) of the Bankruptcy Local Rules is hereby waived.
4. The Debtor, with the assistance of Kurtzman Carson Consultants, LLC dba Verita Global (the "Claims and Noticing Agent") upon the Court's authorization to employ the Claims and Noticing Agent, is authorized, but not directed, to undertake all mailings directed by the Court, or the U.S. Trustee, or in accordance with the Bankruptcy Code, including the Notice of Commencement, and any other correspondence that the Debtor may wish to send to parties in interest.
5. The Notice of Commencement shall be served by the Debtor, with the assistance of the Claims and Noticing Agent, on all known creditors by electronic mail or first-class U.S. mail,

postage prepaid, no later than five (5) business days after the Debtor receives written notice from the U.S. Trustee of the time and place of the section 341 meeting.

6. The Debtor is authorized and empowered to take all actions necessary to implement the relief granted in this Order.

7. Notwithstanding any Bankruptcy Rule or Bankruptcy Local Rule that might otherwise delay the effectiveness of this Order, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

8. All forms of notice provided by the Motion are reasonably calculated to inform interested parties of the chapter 11 case.

9. The requirement under rule 9013-1(G) of the Bankruptcy Local Rules to file a memorandum of law in connection with the Motion is hereby waived.

10. This Court shall retain exclusive jurisdiction over any and all matters arising from or related to the implementation or interpretation of this Order.

11. Notice of the Motion as provided therein shall be deemed good and sufficient notice of such Motion.

Dated: _____, 2024
Richmond, Virginia

UNITED STATES BANKRUPTCY JUDGE

WE ASK FOR THIS:

/s/ Henry P. (Toby) Long, III

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Proposed Counsel for the Debtor and Debtor in Possession

CERTIFICATION OF ENDORSEMENT
UNDER LOCAL BANKRUPTCY RULE 9022-1(C)

I hereby certify that the foregoing proposed order has been endorsed by or served upon all necessary parties.

/s/ Henry P. (Toby) Long, III

Exhibit 1

Notice of Commencement

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Proposed Counsel for Debtor and Debtor in Possession

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re: : **Chapter 11**
:
: **HOPEMAN BROTHERS, INC.,** : **Case No. 24-32428 (___)**
:
: **Debtor.** :
:
:
:

**NOTICE OF COMMENCEMENT OF
CHAPTER 11 CASE AND MEETING OF CREDITORS**

Commencement of the Chapter 11 Case. On June 30, 2024, the debtor and debtor in possession in the above-captioned chapter 11 case (the “Debtor”), filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. §§ 101–1532 (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Eastern District of Virginia, Richmond Division (the “Court”).

Chapter 11 allows a debtor to reorganize or liquidate pursuant to a plan. A plan is not effective unless confirmed by the Bankruptcy Court. You may be sent a copy of a plan and a disclosure statement telling you about the plan, and you might have the opportunity to vote on the plan. You will be sent notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the Debtor will remain in possession of its property and may continue to operate their business.

Meeting of Creditors. Pursuant to section 341 of the Bankruptcy Code, the Office of the United States Trustee for the Eastern District of Virginia (the “U.S. Trustee”) has scheduled a meeting of creditors on _____, 2024, at ____:____.m. (**prevailing Eastern Time**), at _____. The Debtor’s representatives will be present at the meeting to be examined under oath by the U.S. Trustee and by creditors. Creditors are welcome to attend the meeting but

are not required to do so. The meeting may be continued and concluded at a later date without further notice.

Creditors May Not Take Certain Actions. The filing of the bankruptcy petition automatically stays certain collection and other actions against the Debtor and the Debtor's property. Prohibited actions are listed in section 362(a) of the Bankruptcy Code. For example, creditors are prohibited from: (a) contacting the Debtor to demand repayment; (b) taking action against the Debtor to collect money owed to creditors; (c) starting or continuing lawsuits against the Debtor; and (d) taking certain actions against property of the Debtor's estate. *See* 11 U.S.C. § 362(a). If unauthorized actions are taken by a creditor against the Debtor, the Court may penalize that creditor. A creditor who is considering taking action against the Debtor or its property should review, among other things, section 362(a) of the Bankruptcy Code and seek legal advice.

Notice of Bar Dates for Proofs of Claim. The notice of the bar dates for the filing of proofs of claim against the Debtor (the "Bar Date Notice") will be mailed separately. The Bar Date Notice will contain information regarding the bar dates, a proof of claim form and instructions for completing and filing a proof of claim form.

Claims. A Proof of Claim is a signed statement describing a creditor's claim. A sample Proof of Claim form may be obtained at www.uscourts.gov or the office of the clerk of the Bankruptcy Court (the "Bankruptcy Court Clerk"). You may look at the schedules that have been, or will be, filed at the Bankruptcy Court Clerk's office or online at www.pacer.gov. If your claim is scheduled and is not listed as disputed, contingent, or unliquidated, it will be allowed in the amount scheduled, unless you file a Proof of Claim or you are sent further notice about the claim. Whether or not your claim is scheduled, you are permitted to file a Proof of Claim. If your claim is not listed at all or if your claim is listed as disputed, contingent, or unliquidated, then you must file a Proof of Claim or you might not be paid any money on your claim and may be unable to vote on a plan. **The Bankruptcy Court has not yet set a deadline to file a Proof of Claim. If a deadline is set, you will be sent another notice.** A secured creditor retains rights in its collateral regardless of whether that creditor files a Proof of Claim. Filing a Proof of Claim may submit the creditor to the jurisdiction of the Bankruptcy Court, with consequences a lawyer can explain. For example, a secured creditor who files a Proof of Claim may surrender important nonmonetary rights, including the right to a jury trial. **Filing Deadline for a Creditor with a Foreign Address:** The deadline for filing claims will be set in a later Bankruptcy Court order and will apply to all creditors unless the order provides otherwise. If notice of the order setting the deadline is sent to a creditor at a foreign address, the creditor may file a motion requesting the Bankruptcy Court to extend the deadline. There is no assurance that such a motion would be granted.

How to Obtain Documents. All documents filed with the Bankruptcy Court, including the Debtor's schedule of assets and liabilities and statement of financial affairs, will be available for inspection at the Bankruptcy Court Clerk's office or by (a) accessing the Bankruptcy Court's website, www.vaeb.uscourts.gov; (b) contacting the Bankruptcy Court Clerk's office by telephone at 804-916-2400 or by mail at 701 East Broad Street, Suite 4000, Richmond, Virginia 23219; or (c) accessing the website of Kurtzman Carson Consultants, LLC dba Verita Global, the Debtor's Bankruptcy Court-approved claims and noticing agent, located at <https://www.veritaglobal.net/hopeman/inquiry>.

Attorneys for Debtor. The attorneys representing the Debtor are: (i) Tyler P. Brown (VSB No. 28072) and Henry P. (Toby) Long, III (VSB No. 75134), Hunton Andrews Kurth LLP, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond, Virginia 23219, Telephone: (804) 788-8200; and (ii) Joseph P. Rovira (*pro hac vice* pending) and Catherine A. Rankin (*pro hac vice* pending), 600 Travis Street, Suite 4200, Houston, Texas 77002, Telephone: (713) 220-4200.

Discharge of Debts and Deadline to File a Complaint to Determine Dischargeability of Certain Debts. Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. *See* Bankruptcy Code § 1141(d). You must start a judicial proceeding by filing a complaint if you want to have a debt excepted from discharge under section 1141(d)(1)(A) of the Bankruptcy Code. The Bankruptcy Court Clerk's office must receive a complaint accompanied by the required filing fee by the required deadline. Pursuant to Bankruptcy Rule 4007, except as otherwise provided in subdivision (d) of that rule, a complaint to determine the dischargeability of a debt under section 523(c) of the Bankruptcy Code, shall be filed no later than 60 days after the first date set for the meeting of creditors under section 341(a) of the Bankruptcy Code. Such time may be extended by the Bankruptcy Court on motion, after a hearing on notice, for cause. You may wish to consult an attorney if you have any questions about your rights in this regard.

Local Rule Dismissal Warning. Chapter 11 cases may be dismissed for failure to timely file lists, schedules, and statements. *See* Local Bankruptcy Rule 1007-1.

Legal Advice. **Neither the Debtor's counsel nor the Bankruptcy Court Clerk's office can give you legal advice. You may wish to consult an attorney to protect your rights.**

Dated: July [], 2024

Clerk of the U.S. Bankruptcy Court
701 East Broad Street, Suite 4000
Richmond, Virginia 23219