

CAPLIN & DRYSDALE, CHARTERED
Kevin C. Maclay (*pro hac vice* pending)
Todd E. Phillips (*pro hac vice* pending)
Jeffrey A. Liesemer (VSB No. 35918)
Nathaniel R. Miller (*pro hac vice* pending)
1200 New Hampshire Avenue NW, 8th Floor
Washington, DC 20036
Telephone: (202) 862-5000

*Proposed Counsel for the
Official Committee of Unsecured Creditors*

MORGAN, LEWIS & BOCKIUS LLP
Brady Edwards (*pro hac vice* pending)
1000 Louisiana Street, Suite 4000
Houston, TX 77002-5006
Telephone: (713) 890-5000

W. Brad Nes (*pro hac vice* pending)
1717 Main Street, Suite 3200
Dallas, TX 75201-7347
Telephone: (214) 466-4000

Jeffrey S. Raskin (*pro hac vice* pending)
One Market, Spear Street Tower, 28th Floor
San Francisco, CA 94105-1596
Telephone: (415) 442-1000

*Proposed Special Insurance Counsel for the
Official Committee of Unsecured Creditors*

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

In re:

HOPEMAN BROTHERS, INC.,

Debtor.

Chapter 11

Case No. 24-32428 (KLP)

**NOTICE OF SERVICE OF SUBPOENA TO TESTIFY AT A DEPOSITION IN A
BANKRUPTCY CASE (OR ADVERSARY PROCEEDING)**

PLEASE TAKE NOTICE that on August 30, 2024, under Rule 45 of the Federal Rules of Civil Procedure and Rule 9016 of the Federal Rules of Bankruptcy Procedure, the Official Committee of Unsecured Creditors (“**Committee**”) caused the *Subpoena to Testify at a Deposition in a Bankruptcy Case (or Adversary Proceeding)* to be served upon Ron Van Epps via counsel to Hopeman Brothers, Inc. (“**Debtor**”), a copy of which is attached hereto as **Exhibit A**. As set forth therein, the Committee, through its undersigned proposed counsel, will take the deposition upon



oral examination of Ron Van Epps remotely via Zoom, commencing on September 4, 2024 at 12:00 p.m. Eastern Time.

PLEASE TAKE FURTHER NOTICE that, under Rule 30(b)(3)(A) of the Federal Rules of Civil Procedure and Rules 7030 and 9014 of the Federal Rules of Bankruptcy Procedure, the deposition will be recorded by audiovisual and stenographic means by an individual who is authorized to administer oaths.

Respectfully submitted,

CAPLIN & DRYSDALE, CHARTERED

/s/ Jeffrey A. Liesemer

Kevin C. Maclay (*pro hac vice* pending)
Todd E. Phillips (*pro hac vice* pending)
Jeffrey A. Liesemer (VSB No. 35918)
Nathaniel R. Miller (*pro hac vice* pending)
1200 New Hampshire Avenue, NW, 8th Floor
Washington, DC 20036
Telephone: (202) 862-5000
Facsimile: (202) 429-3301
kmaclay@capdale.com
tphillips@capdale.com
jliesemer@capdale.com
nmiller@capdale.com

*Proposed Counsel for the
Official Committee of Unsecured Creditors*

Dated: August 30, 2024

MORGAN, LEWIS & BOCKIUS LLP

Brady Edwards (*pro hac vice* pending)
1000 Louisiana Street, Suite 4000
Houston, TX 77002-5006
Telephone: (713) 890-5000
Facsimile: (713) 890-5001
brady.edwards@morganlewis.com

W. Brad Nes (*pro hac vice* pending)
1717 Main Street, Suite 3200
Dallas, TX 75201-7347
Telephone: (214) 466-4000
Facsimile: (214) 466-4001
brad.nes@morganlewis.com

Jeffrey S. Raskin (*pro hac vice* pending)
One Market, Spear Street Tower, 28th Floor
San Francisco, CA 94105-1596
Telephone: (415) 442-1000
Facsimile: (415) 442-1001
jeffrey.raskin@morganlewis.com

*Proposed Special Insurance Counsel for the
Official Committee of Unsecured Creditors*

CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2024, a copy of the foregoing Notice of Service of Subpoena to Testify at a Deposition in a Bankruptcy Case (or Adversary Proceeding) was duly served upon all counsel or parties of record by the Court's ECF Notification system.

Dated: August 30, 2024

Respectfully submitted,

/s/ Jeffrey A. Liesemer

EXHIBIT A

UNITED STATES BANKRUPTCY COURT

Eastern District of Virginia

In re HOPEMAN BROTHERS, INC., Debtor

Case No. 24-32428 (KLP)

(Complete if issued in an adversary proceeding)

Chapter 11

Plaintiff

v.

Adv. Proc. No.

Defendant

SUBPOENA TO TESTIFY AT A DEPOSITION IN A BANKRUPTCY CASE (OR ADVERSARY PROCEEDING)

To: Ron Van Epps (Name of person to whom the subpoena is directed)

Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this bankruptcy case (or adversary proceeding).

Table with 2 columns: PLACE (Remote deposition via Zoom) and DATE AND TIME (September 4, 2024 at 12 PM EDT)

The deposition will be recorded by this method: Video

Production: You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material: See Subpoena Attachment

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 8/30/24

CLERK OF COURT

OR /s/ Jeffrey A. Liesemer Attorney's signature

Signature of Clerk or Deputy Clerk

The name, address, email address, and telephone number of the attorney representing (name of party) Official Committee of Unsecured Creditors, who issues or requests this subpoena, are:

Jeffrey A. Liesemer, 1200 New Hampshire Ave, NW, 8th Floor, Washington DC, 20036, jliesemer@capdale.com (202) 862-5000 Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)
(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...
(g) Contempt. The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

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

In re:

HOPEMAN BROTHERS, INC.,

Debtor.

Chapter 11

Case No. 24-32428 (KLP)

SUBPOENA ATTACHMENT

DOCUMENTS TO BE PRODUCED

1. Any documents to which you may refer as part of your testimony “as a fact witness at the hearing on the Motion to Stay” as per the Debtor’s August 23, 2024 responses to the Committee’s first set of interrogatories.
2. Any documents upon which you may rely as part of your testimony “as a fact witness at the hearing on the Motion to Stay” as per the Debtor’s August 23, 2024 responses to the Committee’s first set of interrogatories.”
3. The “pre-petition settlement agreements” that allegedly will “impact” the Debtor’s “available insurance coverage” as per the testimony the Debtor states in its August 23, 2024 interrogatory responses it plans to elicit from you at the Motion to Stay.
4. Any database of “asbestos-related claims asserted against the Debtor” that you either created or maintain or which you received from any person or entity.
5. Copies of the transcripts of any deposition that you provided in any action involving the Debtor.
6. Any loss runs or other records of the impairment of Liberty Mutual coverage that you created or received from any person or entity.