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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 (KLP)**
 :
 : **Debtor.** :
 :
 :
 :
 :
 :

**DEBTOR’S WITNESS AND EXHIBIT LIST FOR
SEPTEMBER 10, 2024 HEARING AT 10:00 A.M. (PREVAILING EASTERN TIME)**

The above-captioned debtor and debtor-in-possession (the “Debtor”) respectfully submits the following as their Witness and Exhibit List for the first-day hearing to be held on September 10, 2024, at 10:00 A.M. (prevailing Eastern Time) (the “Hearing”) as follows:

DEBTOR’S WITNESS LIST

1. The Debtor reserves the right to call the following witnesses at the Hearing:
 - a. Chris Lascell; and
 - b. Ron Van Epps
2. The Debtor reserves the right to examine or cross-examine any witness called by any other party.



3. The Debtor is prepared to seek the admission of any witness's declaration into evidence, proffer or forgo any direct testimony (reserving the right for re-direct), and make such witness available for questioning by the Court and any other party in interest, if any. The Debtor also reserves the right to call any witness, including a corporate representative, to authenticate or establish the foundation for any exhibit on the Debtor's list.

DEBTOR'S EXHIBIT LIST

4. The Debtor identifies the documents on the Exhibit List attached hereto as **Exhibit A** as those it may offer at the Hearing.

5. The Debtor reserves the right to supplement or amend its Exhibit List to (i) address documents produced by other parties recently or in the future; (ii) use and/or admit into evidence any exhibit identified on the exhibit list of any other party; and/or (iii) use and/or admit into evidence any exhibit used for impeachment purposes.

6. In addition to the documents and exhibits identified on Exhibit A, the Debtor reserves the right to offer or otherwise use at the Hearing: (i) documents or exhibits identified on the exhibit list of any other party or party-in-interest; (ii) pleadings filed by the parties in this matter; (iii) additional exhibits reasonably necessary to respond to issues presented during the Hearing; and (iv) charts, graphs, timelines, enlargements, models, or other demonstrative exhibits.

7. By listing an exhibit on this list, the Debtor does not concede that any particular exhibit is admissible or that it is admissible for all purposes. The Debtor reserves the right to object to admission of any document. The Debtor reserves the right to amend or supplement their exhibit list, or to add or subtract exhibits, prior to the conclusion of the Hearing. The Debtor also reserves the right to request the Court to take judicial notice of any exhibits as necessary.

Dated: September 9, 2024
Richmond, Virginia

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

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Proposed Counsel for the Debtor and Debtor-in-Possession

EXHIBIT A

DEBTOR’S HEARING EXHIBIT LIST

Hearing Date: September 10, 2024

EXHIBIT NO.	DOCUMENT DESCRIPTION	ADMITTED
Debtor’s Ex. 1	<i>Declaration of Christopher Lascell in Support of Chapter 11 Petition and First Day Pleadings of Hopeman Brothers, Inc.</i> [Docket No. 8]	
Debtor’s Ex. 2	List of Known Protected Parties – Exhibit A to Reply in Support of Motion to Stay [Docket No. 157]	
Debtor’s Ex. 3	Sample Hoffman Claimants Complaint [Bates Nos. HBI000112-HBI000130] – Exhibit B-1 to Reply in Support of Motion to Stay [Docket No. 157]	
Debtor’s Ex. 4	Sample Roussel Claimants Complaint [Bates Nos. HBI000453-HBI000511] – Exhibit B-2 to Reply in Support of Motion to Stay [Docket No. 157] and related Third Party Complaint of HII in same case	
Debtor’s Ex. 5	Sample Hoffman Claimants Complaint [Bates Nos. HBI000532-HBI000553] – Exhibit B-3 to Reply in Support of Motion to Stay [Docket No. 157]	
Debtor’s Ex. 6	By-Laws [Bates Nos. HBI004027-HBI004038] – Exhibit C to Reply in Support of Motion to Stay [Docket No. 157]	
Debtor’s Ex. 7	Sample Shared Insurance Policy [HBI002016-HBI002054] – Exhibit D to Reply in Support of Motion to Stay [Docket No. 157]	
Debtor’s Ex. 8	List of Direct Action Lawsuits – Exhibit 1 to <i>Interim Order Extending the Automatic Stay to Stay Asbestos-Related Actions Against Non-Debtor Defendants</i> [Docket No. 35]	
Debtor’s Ex. 9	Hopeman Insurance Coverage Map [Bates Nos. HBI004063 -HBI004065]	
Debtor’s Ex. 10	Hopeman – Louisiana Indemnity and Defense Spend During 2019-2023 [Bates Nos. HBI004294-HBI004295]	
Debtors Ex. 11	Settlement Agreement and Release and the related Indemnification and Hold Harmless Agreement entered into with Liberty Mutual Insurance Company (“LMIC”), both effective as of March 21, 2003 (the “ <u>LMIC Agreements</u> ”) ¹	

¹ The LMIC Agreements, by their terms, are confidential documents, and despite request, LMIC has been unwilling to waive confidentiality to allow the Debtor’s free use of the agreements in open court in this bankruptcy case or to share the documents with parties-in-interest who request copies of the agreements. LMIC has only agreed to date that the Debtor can produce the LMIC Agreements in response to discovery subject to an appropriate confidentiality agreement. LMIC has advised the Debtor that LMIC (...continued)

EXHIBIT NO.	DOCUMENT DESCRIPTION	ADMITTED
	Any written direct testimony filed by witnesses the Debtor will call at the Hearing.	
	Any documents necessary for rebuttal.	
	Any exhibit designated by any other party.	

will be filing a motion for a protective order to be considered at the September 10 hearing concerning access to the LMIC Agreements and their use in Court. The Debtor may seek to introduce the LMIC Agreements as exhibits at the September 10 hearing, with Court approval, and in the interim will also produce the LMIC Agreements to any party-in-interest upon entry into an appropriate confidentiality agreement.