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

In re: : **Chapter 11**
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:
HOPEMAN BROTHERS, INC., : **Case No. 24-32428 (KLP)**
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Debtor. :
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ORDER (I) ESTABLISHING PROCEDURES TO SCHEDULE HEARINGS TO CONSIDER THE INSURER SETTLEMENT MOTIONS; (II) APPROVING THE FORM AND MANNER OF NOTICE THEREOF; 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”) (a) scheduling a hearing to consider the Insurer Settlement Motions; (b) approving the form and manner of notice thereof; and (c) granting related relief, all as more fully set forth in the Motion; and the Court having reviewed 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 found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2) and that

¹ Capitalized terms used but not defined herein have the meanings given to them in the Motion.



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 the Court having held a hearing to consider the relief requested in the Motion on September 10, 2024 (the “Hearing”); and after due deliberation thereon; and, for the reasons stated by the Court on the record at the Hearing, all objections to the relief requested in the Motion [Docket Nos. 136, 137 and 140] (collectively, the “Objections”) are overruled, the motions to continue the hearing on the Motion [Docket Nos. 120 and 122] are denied, and 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 as provided herein.
2. A hearing on both the (i) Chubb Insurers Settlement Motion [Docket No. 9]; and (ii) the Certain Settling Insurers Settlement Motion [Docket No. 53] shall be held on **November 12, 2024, at 10:00 a.m. (prevailing Eastern Time)**, before the Court in Courtroom 5100 at the United States Bankruptcy Court for the Eastern District of Virginia, 701 East Broad Street, Suite 4000, Richmond, VA 23219 (the “Approval Hearing”). The Approval Hearing may be adjourned from time to time by the Court or the Debtor without further notice other than adjournments announced in open court. The Debtor shall serve on the master service list for this chapter 11 case the Chubb Insurers Settlement Motion and the Certain Settling Insurers Settlement Motion at least sixty (60) days prior to the Approval Hearing.
3. The relief provided in this Order shall only apply to the Chubb Insurers Settlement Motion and the Certain Settling Insurers Settlement Motion. No other Insurer

Settlement Motion shall be considered at the Approval Hearing.

4. Unless expressly agreed otherwise by the Debtor or modified by order of this Court, objections and responses, if any, to the Chubb Insurers Settlement Motion and/or the Certain Settling Insurers Settlement Motion must (i) be in writing, (ii) set forth in detail the name and address of any party filing the objection, the grounds for the objection, any relevant and admissible evidence in support of the objection, and the amount of the objector's claims or such other grounds that give the objector standing to assert the objection, (iii) conform to the Bankruptcy Rules and the Bankruptcy Local Rules, (iv) be filed with the Court, and (v) served upon the parties on the master service list established in this chapter 11 case so as to be actually received on or before 4:00 p.m. (prevailing Eastern Time) on a date to be determined by the Court that is at least seven (7) days prior to the Approval Hearing. Objections or responses not timely filed and served in accordance with the provisions of this Order shall not be considered by the Court and are denied and overruled unless otherwise ordered by the Court.

5. Unless expressly agreed otherwise by the Debtor or modified by order of this Court, the Debtor and/or the applicable settling Insurers may file and serve replies or a consolidated reply to any objections to the Chubb Insurers Settlement Motion and/or the Certain Settling Insurers Settlement Motion on or before 12:00 p.m. (prevailing Eastern Time) on the date that is at least one business day before the scheduled Approval Hearing. The replies or consolidated reply shall be served on the parties on the master service list for this chapter 11 case and any party not otherwise listed on the master service list that filed an objection to the Chubb Insurers Settlement Motion and/or the Certain Settling Insurers Settlement Motion.

6. The proposed procedures regarding notice to all parties in interest of the Chubb Insurers Settlement Motion and the Certain Settling Insurers Settlement Motion, the applicable

underlying settlement agreements, and the time, date, and place of the Approval Hearing and for filing objections or responses to the Chubb Insurers Settlement Motion and/or the Certain Settling Insurers Settlement Motion, as modified by this Order, provide due, proper, and adequate notice and comply with Bankruptcy Rule 2002.

7. The proposed form, manner, and scope of the mailed and published Insurer Settlement Notice, substantially in the form as attached to the Motion as **Exhibit B**, constitute good, sufficient, and adequate notice on all interested parties, including known and unknown claimants, and comply with due process. Such notice is being provided by means reasonably calculated to reach all interested persons, reasonably conveys all the required information to inform all persons affected thereby, and provides a reasonable time for a response and an opportunity to object to the relief requested. No other or further notice is necessary.

8. The Debtor is authorized to make any non-substantive changes to the Insurer Settlement Notice without further order of the Court, including, without limitation, filling in any missing dates or other missing information and changes to correct typographical, grammatical, and/or formatting errors or omissions prior to mailing or publishing the Insurer Settlement Notice.

9. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation and/or interpretations of this Order.

Dated: _____, 2024
Richmond, Virginia
Sep 12 2024

/s/ Keith L Phillips

UNITED STATES BANKRUPTCY JUDGE

Entered On Docket: Sep 12 2024

WE ASK FOR THIS:

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

Tyler P. Brown (VSB No. 28072)
Henry P. (Toby) Long, III (VSB No. 75134)
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- and -

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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
Henry P. (Toby) Long III

Exhibit B

Insurer Settlement Notice

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

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

**NOTICE OF HEARING TO APPROVE
INSURER SETTLEMENT AGREEMENTS**

1. If You Were Exposed to ASBESTOS or ASBESTOS-CONTAINING Products Made, Supplied, Distributed, Installed, or Sold by, or are Otherwise a Creditor of, HOPEMAN BROTHERS, INC., PLEASE READ THIS NOTICE. **YOUR RIGHTS MAY BE AFFECTED.** YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE QUESTIONS REGARDING THIS NOTICE.

2. **Bankruptcy Case.** On June 30, 2024, Hopeman Brothers, Inc. (the “Debtor”) filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. § 101 *et seq.* (the “Bankruptcy Code”), in the United States Bankruptcy Court for the Eastern District of Virginia, Richmond Division (the “Bankruptcy Court”).

3. **Insurer Settlement Agreements.** On June 30, 2024, the Debtor filed with the Bankruptcy Court the Chubb Insurers Settlement Motion¹ [Docket No. 9] seeking an order authorizing and approving that certain Settlement Agreement and Release (the “Chubb Insurer Settlement Agreement”), dated June 27, 2024, by and among the Debtor, on the one hand, and Century Indemnity Company and Westchester Fire Insurance Company (collectively, the “Chubb Insurers”), on the other hand, that provides for payment by the Chubb Insurers to the Debtor in the aggregate amount of \$31,500,000 under policies issued by the Chubb Insurers to the Debtor covering asbestos-related personal injury claims against the Debtor.

On July 10, 2024, the Debtor filed with the Bankruptcy Court the Certain Settling Insurers Settlement Motion [Docket No. 53] seeking an order authorizing and approving that certain Settlement Agreement and Release (the “Certain Settling Insurer Settlement Agreement”), dated July 10, 2024, by and among the Debtor, on the one hand, and Continental Casualty Company, Fidelity & Casualty Company, Lexington Insurance Company, Granite State

¹ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the *Motion of the Debtor for Entry of an Order (I) Establishing Procedures to Schedule Hearings to Consider the Insurer Settlement Motions; (II) Approving the Form and Manner of Notice Thereof; and (III) Granting Related Relief* [Docket No. 54].

Insurance Company, the Insurance Company of the State of Pennsylvania, National Union Fire Insurance Company of Pittsburgh, PA, and General Reinsurance Corporation (collectively, the “Certain Settling Insurers” and, together with the Chubb Insurers, the “Settling Insurers”), on the other hand, that provides for payment by the Certain Settling Insurers to the Debtor in the aggregate amount of \$18,395,011 under policies issued by the Certain Settling Insurers to the Debtor covering asbestos-related personal injury claims against the Debtor.

The Chubb Insurer Settlement Agreement and the Certain Settling Insurer Settlement Agreement are collectively referred to herein as the “Insurer Settlement Agreements”. The Chubb Insurers Settlement Motion and the Certain Settling Insurers Settlement Motion are collectively referred to herein as the “Insurance Settlement Motions”.

The Insurer Settlement Agreements each provide certain releases and injunctions for the Settling Insurers, as applicable. Specifically, the Insurer Settlement Agreements each provide for an “insurance policy injunction” in favor of the Settling Insurers, which will bar claims based on, arising from, or attributable to insurance policies released and/or sold under the applicable Insurer Settlement Agreement. You should read the Insurance Settlement Motions and the Insurer Settlement Agreements carefully for details about how these documents may affect your rights.

4. **Hearing to Consider Insurance Settlement Motions.** A hearing on the Insurer Settlement Motions is scheduled to be held before the Honorable Keith L. Phillips, United States Bankruptcy Judge, in Courtroom 5100 at the United States Bankruptcy Court for the Eastern District of Virginia, 701 East Broad Street, Suite 4000, Richmond, VA 23219, on **November 12, 2024, at 10:00 a.m. (prevailing Eastern Time)**. The hearing may be continued from time to time without further notice to parties.

5. **Objections to Insurer Settlement Motions.** Unless expressly agreed otherwise by the Debtor or modified by order of this Court, objections, if any, to the either or both of the Insurer Settlement Motions must: (i) be in writing, (ii) set forth in detail the name and address of any party filing the objection, the grounds for the objection, any relevant and admissible evidence in support of the objection, and the amount of the objector’s claims or such other grounds that give the objector standing to assert the objection, (iii) be filed with the Court, and (v) served on the following parties so as to be actually received on or before **November 5, 2024 by 4:00 p.m. (prevailing Eastern Time)**: (i) the U.S. Trustee, the Office of the United States Trustee for the Eastern District of Virginia, 701 East Broad Street, Suite 4304, Richmond, VA 23219, Attn: Kathryn R. Montgomery, email: kathryn.montgomery@usdoj.gov; (ii) counsel to the Debtor, Hunton Andrews Kurth LLP, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond, Virginia 23219, Attn: Tyler P. Brown and Henry P. (Toby) Long, III, email: tpbrown@huntonAK.com and hlong@huntonAK.com; (iii) counsel to the Debtor, Hunton Andrews Kurth LLP, 600 Travis Street, Suite 4200, Houston, Texas, Attn: Joseph P. Rovira and Catherine A. Rankin, email: josephrovira@huntonAK.com and crankin@huntonAK.com; and (iv) the attorneys for any official committee of unsecured creditors. *If you or your attorney do not timely and properly file an objection, the Bankruptcy Court may conclude that you do not oppose approval of the Insurer Settlement Motions and may enter an order granting the relief requested without further notice or hearing.*

6. **Additional Information.** Copies of the Insurer Settlement Motions, the Insurer Settlement Agreements, as well as any proposed revisions thereto or changes to the objection deadline or hearing date, are available and may be examined (i) at the website maintained for Debtor's bankruptcy case: <https://www.veritaglobal.net/hopeman>, (ii) at the office of the Clerk of the Court, 701 East Broad Street, Suite 4000, Richmond, VA 23219, between the hours of 8:00 a.m. and 3:00 p.m. (prevailing Eastern Time), or (iii) on the Court's electronic docket of these cases at the address <https://www.vaeb.uscourts.gov>.

Dated: [●], 2024

BY ORDER OF THE UNITED STATES BANKRUPTCY COURT