

Douglas M. Foley (VSB No. 34364)  
KAUFMAN & CANOLES, P.C.  
Two James Center  
1021 E. Cary St., Suite 1400  
Richmond, VA 23219  
Telephone: (804) 771-5746  
Facsimile: (804) 360-9092  
Email: dmfoley@kaufcan.com

Douglas R. Gooding (Admitted *pro hac vice*)  
Jonathan D. Marshall (Admitted *pro hac vice*)  
Kevin J. Finnerty (Admitted *pro hac vice*)  
CHOATE, HALL & STEWART LLP  
Two International Place  
Boston, MA 02110  
Telephone: (617) 248-5000  
Facsimile: (617) 502-5277  
Emails: dgooding@choate.com  
jmarshall@choate.com  
kfinnerty@choate.com

*Counsel for Liberty Mutual Insurance Company*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

\_\_\_\_\_  
In re:

HOPEMAN BROTHERS, INC.,

Debtors.  
\_\_\_\_\_

)  
)  
) Chapter 11  
)  
) Case No. 24-32428 (KLP)  
)  
)  
)

**LIBERTY MUTUAL INSURANCE COMPANY'S  
NOTICE OF ORDER TO FILE UNDER SEAL**

Notice is hereby given that Liberty Mutual Insurance Company has filed Appellant's Opening Brief under seal in the appeal, bearing Court Case No. 3:25-cv-486, pursuant to the Order entered by United States District Judge David J. Novak on September 19, 2025 (*see* Exhibit 1).

Date: October 1, 2025

Respectfully submitted,

/s/ Douglas M. Foley

Douglas M. Foley (VSB No. 34364)  
KAUFMAN & CANOLES, P.C.  
Two James Center  
1021 E. Cary St., Suite 1400  
Richmond, VA 23219  
Telephone: (804) 771-5746



2432428251001000000000001

Facsimile: (888) 360-9092  
Email: dmfoley@kaufcan.com

– and –

Douglas R. Gooding (Admitted *pro hac vice*)  
Jonathan D. Marshall (Admitted *pro hac vice*)  
Kevin J. Finnerty (Admitted *pro hac vice*)  
CHOATE, HALL & STEWART LLP  
Two International Place  
Boston, Massachusetts 02110  
Telephone: (617) 248-5000  
Facsimile: (617) 502-5277  
Two International Place  
Boston, Massachusetts 02110  
Telephone: (617) 248-5000  
Facsimile: (617) 502-5277  
Emails: dgooding@choate.com  
jmarshall@choate.com  
kfinnerty@choate.com

*Counsel for Liberty Mutual Insurance Company*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 1, 2025, a true copy of the foregoing was filed with the Clerk of the Court using the CM/ECF system, which will send a notification of electronic filing (NEF) to all creditors and parties in interest.

/s/ Douglas M. Foley

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

LIBERTY MUTUAL INSURANCE  
COMPANY,  
Appellant,

v.

Civil Action No. 3:25cv486 (DJN)

HOPEMAN BROTHERS, INC., *et al.*,  
Appellees.

**ORDER**  
**(Granting Motion to Seal)**

This matter comes before the Court on Appellant Liberty Mutual Insurance Company's ("Appellant") Motion for Entry of an Order Authorizing Liberty Mutual to File under Seal its Unredacted Opening Brief on Appeal and Portions of the Appellate Record (ECF No. 10 ("Motion to Seal" or "Mot.")). For the reasons set forth below, the Court hereby GRANTS Appellant's Motion to Seal (ECF No. 10.)

"[B]efore a district court may seal any court documents, . . . it must (1) provide notice of the request to seal and allow interested parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the documents, and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting the alternatives." *Ashcraft v. Conoco, Inc.*, 218 F.3d 288, 302 (4th Cir. 2000). Pursuant to Local Civil Rule 5(C), Appellant has submitted its respective justifications for sealing the documents at issue here in a non-confidential memorandum as required by Local Civil Rule 5(C)(2)–(4). (ECF No. 11.) Appellant seeks to seal materials that include confidential, sensitive commercial information. (*Id.* at 4.) Pursuant to Local Civil Rule 5, Appellant has given notice of the sealing requests to

the public, and no member of the public has objected to the filing of the materials under seal. Additionally, the Court finds that no less drastic alternatives to sealing exist, since any other procedure would allow the public dissemination of commercially sensitive information. A redacted version has been filed on the public docket where appropriate.


Accordingly, the Court finds that Appellant has met the applicable standard to seal the filings in question. The Court hereby GRANTS Appellant's Motion (ECF No. 10) and ORDERS the following:

1. The Court adopts the Liberty Mutual Protective Order issued by the Bankruptcy Court (Case No. 24-32428, ECF No. 206) for purposes of this appeal.
2. Appellant shall file an unredacted version of its Opening Brief under seal. The information included in the unredacted Brief shall remain confidential.
3. The unredacted Brief shall not be disseminated to anyone other than: (a) the Court; (b) the Debtor, Hopeman Brothers, Inc., as well as the Official Committee appointed in the underlying Bankruptcy case and their professionals; and (c) any other party to the Liberty Mutual Protective Order who so requests.
4. Any party receiving an unredacted copy of the Brief shall, at all times, keep the information contained therein strictly confidential and shall not disclose such information to any party whatsoever, except as provided in this Order.
5. The following portions of the appellate record shall remain under seal:
  - Bankruptcy Docket ECF No. 692 (Objection of Hopeman Brothers, Inc. to Claim No. 10 of Liberty Mutual Insurance Company) (April 30, 2025)
  - Bankruptcy Docket ECF No. 826 (Response of Liberty Mutual Insurance Company to Objection of Hopeman Brothers, Inc. to Claim No. 10 of Liberty Mutual Insurance Company) (May 30, 2025)
  - Bankruptcy Docket ECF No. 877 (Reply of Hopeman Brothers, Inc. in Support of Objection to Claim No. 10 of Liberty Mutual Insurance Company) (June 17, 2025)

6. Upon entry of this Order, Appellant shall give notice of this Order to the Bankruptcy Court.
7. The parties shall treat all sealed documents in this case in accordance with the Liberty Mutual Protective Order entered in the underlying Bankruptcy matter (Case No. 24-32428 (KLP), ECF No. 206) and in accordance with this Court's usual practices and procedures concerning sealed materials.
8. The sealed documents shall remain sealed until the earlier of a further order from this Court or forty-five (45) days after the final resolution of this matter, at which time they shall be returned to counsel.
9. The terms and conditions of this Order shall be effective immediately and enforceable upon its entry.
10. This Court shall retain jurisdiction with respect to all matters arising out, of or related to, the interpretation or enforcement of this Order.

Let the Clerk file a copy of this Order electronically and notify all counsel of record.

It is so ORDERED.

  
\_\_\_\_\_/s/\_\_\_\_\_  
David J. Novak  
United States District Judge

Alexandria, Virginia  
Date: September 19, 2025