

CHOATE, HALL & STEWART LLP

Douglas R. Gooding (admitted *pro hac vice*)
Jonathan D. Marshall (admitted *pro hac vice*)
2 International Place
Boston, MA 02110
Telephone: (617) 248-5000
Email: dgooding@choate.com
Email: jmarshall@choate.com

*Co-Counsel to Liberty Mutual Insurance
Company*

KAUFMAN & CANOLES, P.C.

Douglas M. Foley (VSB No. 34364)
Two James Center
1021 E. Cary Street, Suite 1400
Richmond, Virginia 23219
Telephone: (804) 771-5746
Email: dmfoley@kaufcan.com

*Co-Counsel to Liberty Mutual Insurance
Company*

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

In re:

HOPEMAN BROTHERS, INC.,

Debtor.

Chapter 11

Case No. 24-32428 (KLP)

Re: Dkt. Nos. 1267, 1309,
1330

**LIBERTY MUTUAL INSURANCE COMPANY'S
LIMITED JOINDER TO TRAVELERS' RESPONSE TO PROPOSED FINDINGS OF
FACT AND CONCLUSIONS OF LAW REGARDING CONFIRMATION OF THE
MODIFIED AMENDED PLAN OF REORGANIZATION OF HOPEMAN BROTHERS,
INC. UNDER CHAPTER 11 OF THE BANKRUPTCY CODE AND
APPROVING ADEQUACY OF THE DISCLOSURE STATEMENT**

Liberty Mutual Insurance Company ("Liberty") hereby files this limited joinder (this "Limited Joinder") to *Travelers' Response to Joint Statement of Plan Proponents in Response to Proposed Findings of Fact and Conclusions of Law Regarding Confirmation of the Modified Amended Plan of Reorganization of Hopeman Brothers, Inc. Under Chapter 11 of the Bankruptcy Code and Approving Adequacy of the Disclosure Statement* (filed contemporaneously herewith, the "Travelers Response"). In support of this Limited Joinder, Liberty respectfully states as follows:



2432428251212000000000004

1. Liberty agrees with Travelers¹ that the proposed revisions set forth in the *Joint Statement of Plan Proponents In Response to the Proposed Findings of Fact and Conclusions of Law Regarding Confirmation of the Modified Amended Plan of Reorganization of Hopeman Brothers, Inc. Under Chapter 11 of the Bankruptcy Code and Approving Adequacy of the Disclosure Statement* [Dkt. 1309] (“Plan Proponents’ Statement”) are insufficient and do not address all of the revisions required by the *Proposed Findings of Fact and Conclusions of Law Regarding Confirmation of the Modified Amended Plan of Reorganization of Hopeman Brothers, Inc. Under Chapter 11 of the Bankruptcy Code and Approving Adequacy of the Disclosure Statement* [Dkt. 1267] (the “Proposed FOF/COL”).

2. Liberty joins in the arguments and positions set forth in Sections A and B of the Travelers Response for the reasons stated therein, including the relevant factual discussions related to those sections. Additionally, Liberty states as follows:

3. In the Proposed FOF/COL, the Court upheld Liberty’s objection to Article 8.13(c)(v) of the Plan², which states that the Asbestos Trust “may . . . intervene in any Insurance Policy Action at any time.” *See* Proposed FOF/COL at 56 (citing Plan, § 8.13(c)(v)). The Court continued:

The inclusion of [the intervention] provision should serve to merely protect any right that the Asbestos Trust may have, subject to compliance with the proper procedural mechanism for intervention. . . . Similarly, any party in such an Insurance Policy Action should retain the right to object to the Asbestos Trust’s motion to intervene. To the extent that the Plan language extends beyond the foregoing, it should be modified.

Id.

¹ As defined in the Travelers Response.

² Capitalized terms used but not otherwise defined herein shall have the meanings set forth in the Proposed FOF/COL.

4. The Plan Proponents proposed to revise Article 8.13(c)(v) to strike all language except the first sentence, such that Article 8.13(c)(v) would read in full: “The Asbestos Trust may seek to intervene in any Insurance Policy Action at any time.” *See* Plan Proponents’ Statement at 7-8.

5. As set forth in *Liberty Mutual Insurance Company’s Objection and Joinder to the Bankruptcy Court’s Proposed Findings of Fact and Conclusions of Law Regarding Confirmation of the Modified Amended Plan of Reorganization of Hopeman Brothers, Inc. Under Chapter 11 of the Bankruptcy Code and Approving Adequacy of the Disclosure Statement* [Dkt. No. 1313] (“Liberty’s Objection to the FOF/COL”), the Plan Proponents’ proposed revisions to Article 8.13(c)(v) do not cure the intervention provision’s impermissibility and unenforceability as it relates to Liberty. *See* Liberty’s Objection to the FOF/COL at ¶ 6 fn. 36. For that reason and for the other reasons set forth in Liberty’s Objection to the FOF/COL,³ Liberty agrees with Travelers that the Plan cannot be confirmed as drafted, even if the Plan and related documents were amended to reflect the proposed revisions set forth in the Plan Proponents’ Statement.

6. However, to the extent that this Court is inclined to recommend the Proposed FOF/COL with the incorporation of the revisions proposed in the Plan Proponents’ Statement, Liberty alleges that the proposed changes to Article 8.13(c)(v) still fail to capture the Court’s ruling in the Proposed FOF/COL insofar as they do not make explicit that (i) the Asbestos Trust will be bound by traditional procedural rules when seeking to intervene in Insurance Policy Actions, and (ii) all parties’ rights to object to a request for intervention are preserved.

³ For the avoidance of doubt, and as set forth in Liberty’s Objection to the FOF/COL, the Plan is deficient for a multitude of reasons and cannot be confirmed. Liberty reserves, and does not waive, any and all objections to confirmation set forth in Liberty’s Objection to the FOF/COL. In addition to joining in certain sections of Travelers Response, this Limited Joinder is intended to highlight those sections of the Plan Proponents’ Statement that are insufficient to address the Bankruptcy Court’s rulings in the Proposed FOF/COL.

7. Therefore, the revision to Article 8.13(c)(v) proposed in the Plan Proponents' Statement does not conform to the findings and conclusions set forth by this Court in the Proposed FOF/COL, and further revisions should be required.

WHEREFORE, Liberty respectfully requests that this Court (i) find that the Plan Proponents' proposed revisions to the Plan and related documents do not comply with the Proposed FOF/COL, and (ii) grant such other and further relief as this Court deems just and proper.

Dated: December 12, 2025

Respectfully submitted,

/s/ Douglas M. Foley

Douglas M. Foley (Bar No. 34364)

KAUFMAN & CANOLES, P.C.

Two James Center

1021 E. Cary Street, Suite 1400

Richmond, Virginia 23219

Telephone: (804) 771-5746

Email: dmfoley@kaufcan.com

– and –

Douglas R. Gooding (admitted *pro hac vice*)

Jonathan D. Marshall (admitted *pro hac vice*)

CHOATE, HALL & STEWART LLP

2 International Place

Boston, MA 02110

Telephone: (617) 248-5000

Email: dgooding@choate.com

Email: jmarshall@choate.com

Co-Counsel to Liberty Mutual Insurance Company

CERTIFICATE OF SERVICE

I hereby certify that on December 12, 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