Docket #3347 Date Filed: 08/21/2026

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

In re	Chapter 11
ALDRICH PUMP LLC, *et al.*,[1]	Case No. 20-30608 (LMJ)
Debtors.	(Jointly Administered)

DEBTORS' SUBMISSION REGARDING
PRE-TRIAL DISCLOSURE OF EXPERT TESTIMONY

Aldrich Pump LLC ("Aldrich") and Murray Boiler LLC ("Murray"), the debtors (the "Debtors") in the above-captioned chapter 11 cases, file this Submission Regarding their Pre-Trial Disclosure of Expert Testimony in support of their estimate of the Debtors' liability for current and future asbestos claims under the tort system extrapolation method, as provided by the *Order Commencing Phase I of the Estimation Trial with Hearings Based on the Tort System Extrapolation Method and the Parties' Expert Reports* [Dkt. 3011] (the "Phase I Estimation Order"), and respectfully state as follows:

1. During the Phase I trial, held August 10-14, 2026, the Official Committee of Asbestos Personal Injury Claimants (the "ACC") argued that three lines of expert testimony elicited by the Debtors had not been properly disclosed: (1) Dr. Mullin's description of his process for matching of unknown disease claims using both the Debtors' database and the Garlock database (Aug. 11, 2026 Trial Tr. at 61:10–67:5); (2) Dr. Mullin's testimony that certain PIQs of Law Firm 3 were submitted in an unfiltered manner (Aug. 11, 2026 Trial Tr. at 84:9–88:23; 190:18–195:3);

[1] The Debtors are the following entities (the last four digits of their respective taxpayer identification numbers follow in parentheses): Aldrich Pump LLC (2290) and Murray Boiler LLC (0679). The Debtors' address is 800-E Beaty Street, Davidson, North Carolina 28036.

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and (3) Dr. Martin's testimony concerning the effects of aging and inflation on average settlement values (Aug. 13, 2026 Trial Tr. at 231:15–232:5).

2. The Debtors argued there had been full and proper disclosure under Bankruptcy Rule 7026 through the pre-trial expert reports, reliance materials, and deposition testimony[2] and the disclosures that occurred obviated any argument of prejudice.[3]

3. Pursuant to the Court's instruction, the Debtors respectfully submit the following citations to various pre-trial disclosures to demonstrate that proper disclosure of both the ultimate opinions expressed, and the basis or underlying calculations related to those opinions, occurred.

A. Dr. Mullin: Database Matching of Unknown Disease Claims

4. At trial, Dr. Mullin testified as a factual matter that he had matched certain claims identified in the Debtors' databases as having an "unknown disease" against claims from the same claimant identifying a known disease in either: (1) the other Debtor's database (e.g., an unknown disease claim in Aldrich's database was matched to a known disease claim in Murray's database, or vice versa); or (2) the Garlock database. See Aug. 11, 2026 Trial Tr. at 61:10–67:5. Dr. Mullin's testimony in regard to the matching of these unknown disease claims was not a new opinion, but were calculations resulting from the Debtors' claims database disclosed in his reports and reliance materials in support of his opinions.

[2] See Krakauer v. Dish Network L.L.C., 2017 WL 2455095, at *11 (M.D.N.C. June 6, 2017) ("[A]n expert who testifies at trial is allowed to explain why criticisms of her work are mistaken or unwarranted, even if those explanations are not in her original report."); Marsal v E. Carolina Univ., 2011 WL 13233801, at *3 (E.D.N.C. Apr. 15, 2011) ("[A] party need not supplement an expert report based on expert deposition testimony that simply explains and expands upon the opinions included in the report.").

[3] See Bresler v. Wilmington Tr. Co., 855 F.3d 178, 193-94 (4th Cir. 2017) (declining to exclude expert testimony where nondisclosure was harmless and surprise was "minimal," given that the party had access to information for two months before trial); see also Tucker v. Ohtsu Tire & Rubber Co., 49 F. Supp. 2d 456, 461 (D. Md. 1999) (finding inadequate disclosure harmless where party "previously had been made aware" of the conclusion during a deposition).

5. In his Rebuttal Report, Dr. Mullin included extensive discussion regarding long-pending claims with unknown disease. See Rebuttal Expert Report of Charles H. Mullin, Ph.D. (Mar. 27, 2026) ("Mullin Reb. Rep.") at ¶¶ 41–55. Dr. Mullin disclosed his opinion (1) that virtually all unknown disease claims are long-pendency claims, (2) that they have *de minimis* value, and (3) that his forecast incorporates the historical (very low) resolution and pay rates for these claims.

6. The exercise of matching was raised in regard to unknown claims in Dr. Sackett's deposition, as he was questioned extensively in regard to whether he had matched the claims to other databases, specifically Garlock. For example:

> Q. Did you try to match the open unknown claims here with the data in the Garlock public database?
>
> A. To see if the -- I'm not sure what would I be matching it for.
>
> Q. To see if they match to a known disease. See if you could find individual claimants who reported an open unknown disease in the Aldrich database but reported a known disease category in the Garlock database?
>
> A. No, I did not.
>
> Q. Did you consider doing that?
>
> A. At some point -- so at – I have done matching between Garlock claimants and other claimants, or and claimants in other cases, given that the Garlock database is public. I don't recall if I've done it in this case, I didn't do it for that purpose.
>
> Q. Why didn't you?
>
> A. I think it's because – I don't actually remember why I didn't do it in this case.

See Deposition of Andrew J. Sackett at 297:2–298:3. Dr. Mullin was not asked any questions in his deposition about unknown claims.[4]

7. The factual testimony on this issue that Dr. Mullin presented at trial is a tabulation of the data from the Debtors deduplicated claims database provided by Bates White to all parties, months in advance of trial, as part of the reliance materials associated with Dr. Mullin's initial report. In addition to the claims database, those same reliance materials included (a) a dataset called "Deduplicated claims data with reconciled group settlement info.dta," which contains a field that provides the source of the disease information on each claimant, and (b) a script file entitled "07c Match unknown disease records.do," a program that specifically demonstrates Dr. Mullin's matching: (1) across the Debtors' two databases; and (2) the Garlock database. Presumably the ACC ran this script in its review of the reliance materials, and doing so would have provided the ACC with the result of Dr. Mullin's matching process. The Bates White deduplicated claims database, the referenced dataset, and the referenced script were produced to all parties, and each alone is a disclosure of the matching work performed.

8. Dr. Mullin's reliance materials produced with his initial expert report specifically list (a) the Debtors claims database, from where the Aldrich claimants were matched with the

[4] During his deposition, Dr. Mullin testified regarding unknown claims in the context of PIQs:

> Q. Did you use any PIQ data at all when coming up with resolution rates?
> A. Yes.
> Q. How did you use it?
> A. So if we had historical claim who filed a PIQ and, in the database, we didn't know the disease and, therefore, the PIQ informed us that was a mesothelioma claim, we would have updated the disease category. And so as opposed to maybe having an unknown disease claim from 2013 that was open or an unknown disease claim for 2017 that was open, that became an unresolved mesothelioma claim for that year.

See Deposition of Charles Henry Mullin, Ph.D. ("Mullin Dep."), at 252:18-253:8.

Murray claimants, and vice versa, and (b) the Garlock data as a relied-upon data source. See Corrected Initial Expert Report of Charles H. Mullin, Ph.D. (Sept. 15, 2025) at Appendix B.

B. Dr. Mullin: Unreliable PIQ Submissions (Unfiltered Claims)

9. At trial, Dr. Mullin expressed that Dr. Sackett had grossly overestimated the value of claims held by Law Firm 3. See Aug. 11, 2026 Trial Tr. at 84:9–88:23; 190:18–195:3.

10. Dr. Mullin's rebuttal report expressed his ultimate opinion challenging the treatment by Dr. Sackett of the claims asserted by Law Firm 3:

> The 'missing' claims that do not appear in the Debtors' database represent claims that would not result in payment by the Debtors, because, prior to the off-complaint agreements, plaintiffs' counsel would have either not filed the claims or subsequently dismissed them if they had been filed.

See, e.g., Mullin Reb. Rep. ¶ 51.

> The Sackett Report observes a decrease in Law Firm 3 mesothelioma claims against Aldrich in the years following the start of the off-complaint arrangement. It quantified that decrease at 8.3% of the total claim filings. Instead of recognizing those as the approximately 9% of Law Firm 3 claims that Aldrich previously received and subsequently dismissed, the Sackett Report erroneously values them equally to all other Law Firm 3 claims that were presented to Aldrich under the off-complaint arrangement.

See id. ¶ 53.

11. In rebuttal to Dr. Sackett's testimony at trial that that the mere fact that Law Firm 3 filed a PIQ meant that the attendant claims were likely compensable, Dr. Mullin testified regarding his own review of the PIQs in these bankruptcies, noting that Law Firm 3 had failed to filter the PIQs before submitting them (resulting in an inflated number of PIQs that would lead to compensable claims). See Aug. 11, 2026 Trial Tr. at 84:9–88:23; 190:18–195:3. That review was effectively disclosed by Dr. Mullin's inclusion of the PIQs in his reliance materials, but was more precisely disclosed in his May 4, 2026, deposition, where Dr. Mullin testified:

> So in the affirmative report – I mean, Law Firm 3 is easiest because it's the bulk of the claims. And the POC/PIQ process from that was, at least from my perspective, mildly frustrating because you got almost everything. You got historically dismissed claims; you got historically paid claims; you have open claims; you have some claims from the 1990s showing up that were never in the debtors' database. … And ultimately, the numbers, as is laid out in detail in my rebuttal analysis, tie out with what one would expect for a law firm with an off-complaint deal.

See Mullin Dep. at 257:15–258:13.

C. Dr. Martin: Age as a Factor in Determining Inflation

12. In relation to Dr. Sackett's treatment of potential inflation of average settlement values, at trial Dr. Denise Neumann Martin expressed the opinion that the aging of the claimant population impacts average settlement values and therefore must be analyzed when considering the effect of inflation on average settlement values in the future.

13. Dr. Martin's critique of Dr. Sackett's chosen inflation rate was disclosed and discussed at length in Dr. Martin's report, see Rebuttal Report of Denise Neumann Martin, Ph.D. (Mar. 27, 2026) ("Martin Reb. Rep.") ¶¶ 37–41, and the aging issue was squarely addressed in Dr. Martin's deposition testimony:

> Q. So in paragraph 37 you write, it is customary to adjust indemnity estimates for any inflation expected to occur between the time of the forecast and the time future claims will be paid and also to discount these inflated amounts back to the present using a nominal discount rate. Right?
>
> A. Yes.
>
> Q. Why do indemnity estimates need to be adjusted for inflation?
>
> A. Well, to the extent inflation will occur, right -- and we have reason here to believe that because the aging of the population it might not occur. So I guess I would say this would be up or down for inflation. But the -- I guess the claim today could have more or less value in the future, depending on what happens with inflation in the meantime.

See Deposition of Denise Neumann Martin, Ph.D. (May 5, 2026) at 136:10–137:8.

* * *

WHEREFORE, the Debtors respectfully request that the Court overrule the ACC's objections to the above referenced expert testimony.

Dated: August 21, 2026
Charlotte, North Carolina

Respectfully submitted,

/s/ John R. Miller, Jr.

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