Docket #3356 Date Filed: 08/26/2026

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)

NOTICE OF FILING OF UNSEALED DEBTORS' OPPOSITION TO THE MOTION *IN LIMINE* OF THE OFFICIAL COMMITTEE OF ASBESTOS PERSONAL INJURY CLAIMANTS TO EXCLUDE CERTAIN EXPERT TESTIMONY OF CHARLES H. MULLIN, Ph.D.

PLEASE TAKE NOTICE that Aldrich Pump LLC and Murray Boiler LLC, as debtors and debtors in possession (together, the "Debtors"), hereby file this Notice (the "Notice") of Filing of Unsealed *Debtors' Opposition to the Motion in Limine of the Official Committee of Asbestos Personal Injury Claimants to Exclude Certain Expert Testimony of Charles H. Mullin, Ph.D.* [Docket No. 3226] (the "Opposition"). In support of this Notice, the Debtors respectfully state as follows:

1. On July 16, 2026, the Debtors filed the Opposition under seal pursuant to the *Agreed Protective Order Governing Confidential Information* [Docket No. 345]. That same day, the Debtors filed the *Debtors' Motion to File Documents Under Seal* [Docket No. 3227] (the "Motion to Seal").

2. Since the filing of the Opposition, the parties have agreed that the Opposition can be unsealed in its entirety pursuant to the *Stipulated Order Regarding Confidentiality Issues for*

[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.

Phase I Estimation Trial [Docket No. 3265] (the "Order") with the corresponding Motion to Seal withdrawn. Accordingly, attached hereto as Exhibit A is an unsealed version of the Opposition.

Dated: August 26, 2026
Charlotte, North Carolina

Respectfully submitted,

/s/ Matthew L. Tomsic

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COUNSEL TO THE DEBTORS

Exhibit A

Unsealed *Debtors' Opposition to the Motion in Limine of the Official Committee of Asbestos Personal Injury Claimants to Exclude Certain Expert Testimony of Charles H. Mullin, Ph.D.*

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' OPPOSITION TO THE MOTION *IN LIMINE* OF THE OFFICIAL COMMITTEE OF ASBESTOS PERSONAL INJURY CLAIMANTS TO EXCLUDE CERTAIN EXPERT TESTIMONY OF CHARLES H. MULLIN, Ph.D.

Aldrich Pump LLC ("Aldrich") and Murray Boiler LLC ("Murray"), the debtors and debtors in possession in the above-captioned chapter 11 cases (together, the "Debtors"), respectfully submit this Response in Opposition to the Motion in Limine of the Official Committee of Asbestos Personal Injury Claimants (the "Committee") to Exclude Certain Expert Testimony of Charles H. Mullin, Ph.D. (the "Motion"). For the reasons set forth below, the Motion should be denied.

PRELIMINARY STATEMENT

Dr. Mullin is one of the leading experts in the world in providing economic and statistical analysis concerning the value of mass tort claims, including asbestos. He has authored more than 100 expert reports, issued countless valuations of current and future asbestos liabilities, and been qualified as an expert by courts in more than 50 matters, including in these bankruptcy cases.

[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.

The Committee's effort to exclude the entirety of his testimony from the Phase I hearing is devoid of merit. The Committee's central premise that Dr. Mullin presents an "inherently unhelpful" range is a misleading invention of its own making. As the Court (and the Committee) is well aware, Dr. Mullin's Initial Expert Report[2] was submitted long before anyone had suggested bifurcating this estimation proceeding into Phase I and Phase II hearings. Hence, that initial report included estimates utilizing both "legal liability" and "tort system extrapolation" methodologies to value the Debtors' asbestos liabilities. In order to manufacture the ostensible "wide range of estimates" that drives its Motion, the Committee conflates Dr. Mullin's tort system extrapolation with his separate "legal liability" estimate (which will not be presented until the Phase II trial, if that trial proves to be necessary).

Stripped of its misleading premise, the Committee is left to hyperbole in contending that Dr. Mullin employs a "sweeping collection of estimates" employing a "hodgepodge of methodologies." Motion at p. 1; Motion at ¶5. This is false. Dr. Mullin's tort system extrapolation utilizes well-accepted methodology based on the Debtors' own settlement and verdict history. Employing that methodology, but varying certain inputs, Dr. Mullin estimates that the Debtors' asbestos liability is between $425 million to $750 million on a net present value basis as of the Petition Date. Dr. Mullin does not, as the Committee claims, provide "50 estimates," but instead provides calculations for different scenarios depending on four key inputs—an exercise commonly known as a "sensitivity analysis" —thereby allowing the Court to see how an adjustment to any one of those inputs, like discount rate or calibration period, impacts the estimate. Dr. Mullin's methodology is fully consistent with Rule 702 and Daubert.

[2] Dr. Mullin submitted his Initial Expert Report on September 15, 2025 and subsequently submitted a "Corrected" Initial Expert Report on October 10, 2025 to correct a coding error. It is that Corrected Initial Expert Report that is attached to the Committee's Motion as Exhibit A and that will be referred to throughout this brief as the "Initial Expert Report".

It is also independently verified by comparison to the FCR's expert. Varying the discount rates and incidence curves in the FCR's expert's forecast in a similar manner to those in Dr. Mullin's Initial Expert Report produces a range of approximately $470 million to $720 million.[3]

The Committee's complaints about Dr. Mullin's Rebuttal Report[4] are equally baseless. All of Dr. Mullin's rebuttal opinions for which the Committee complains are either directly responsive to opinions offered by one of the other parties' experts or were already disclosed in his Initial Expert Report. The Committee's complaints are centered around Dr. Mullin's demonstration of how employing certain of the other experts' assumptions would, if accepted, change Dr. Mullin's estimate. Such an exercise falls squarely within the traditional scope of rebuttal. Dr. Mullin's Rebuttal Report is hardly breaking ground with "new affirmative opinions" unresponsive to other experts' opinions.

Finally, the Committee's alternative request that the Court limit Dr. Mullin's opinions *in limine* on basic objections of relevance is premature. The Debtors should be allowed to present affirmative and rebuttal testimony that they believe are within the Court's definition of the issues in this Phase I estimation trial. If the Debtors offer testimony that is outside the bounds of relevance, the Committee or others will object, and if the Court agrees, it will sustain those objections. Attempting to rule on those relevance issues now, before the Court has the benefit of any foundation laid by the Debtors, is not consistent with the intent or purpose of a motion *in limine*.

The Motion should be denied.

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[3] Curiously, despite very similar ranges, the Committee did not file a similar motion *in limine* in regard to the FCR's expert's report claiming that the range produced by the FCR's expert is "unhelpful."

[4] See Rebuttal Expert Report of Charles Mullin, PhD, March 27, 2026 ("Rebuttal Report") attached to Committee's Motion as Exhibit B.

LEGAL STANDARD

Rule 702 of the Federal Rules of Evidence governs the admissibility of expert testimony. Expert testimony may be admitted pursuant to Rule 702 "if the testimony is both relevant and reliable[.]" Globus Med., Inc. v. Jamison, 2024 WL 4711947, at *2 (E.D. Va. Nov. 7, 2024). Trial courts are given "broad latitude" to determine which factors "are reasonable measures of reliability in a particular case." Id. Although the trial court acts as gatekeeper when expert testimony is challenged, "the trial court's role as gatekeeper is not intended to serve as a replacement for the adversary system, and consequently, the rejection of expert testimony is the exception rather than the rule." Id. at *3 (quoting In re Lipitor (Atorvastatin Calcium) Mktg., Sales Pracs. & Prods. Liab. Litig. (No II) MDL 2502, 892 F.3d 624 (4th Cir. 2018)).

This is particularly true in a bench trial, when the Court's "evidentiary gatekeeping function [is] relaxed, and the [court is] in the best position to decide the proper weight to give the expert opinions." United States v. Wood, 741 F.3d 417, 425 (4th Cir. 2013). As the Fourth Circuit aptly put it, "there is less need for the gatekeeper to keep the gate when the gatekeeper is keeping the gate only for [herself]." Id. (quoting United States v. Brown, 415 F.3d 1257, 1269 (11th Cir. 2005)); see also King v. O'Bannon, 817 F. Supp. 3d 354, 377 (E.D. Va. 2026) ("Because the central concern of Rule 702—keeping unreliable expert testimony from the jury—vanishes in a bench trial, the trial court's gatekeeping function in such a setting is much less critical because there is little danger of prejudicing the judge, who can, after hearing the expert's testimony or opinion, determine what, if any, weight it deserves.")

ARGUMENT

I. DR. MULLIN'S TORT-SYSTEM EXTRAPOLATION OPINIONS UTILIZE WELL ESTABLISHED METHODOLOGY AND ARE FULLY CONSISTENT WITH DAUBERT.

Each of the parties' principal experts have used a similar framework for estimating the Debtors' liability under a tort-system methodology, which, in streamlined fashion, can be expressed as follows:

Payments = Projected Mesothelioma Claims Against the Debtors x Claims Payment Rate x Average Settlement Value

All three experts estimated similar numbers of claims through roughly the same forecast period. Dr. Mullin's application of that methodology produces an estimate with a range of $425 million to $750 million (narrowing to $525 million to $750 million under the component-based method). See Mullin Initial Expert Report ¶ 23; id. at Figures 29, 32.

The Committee's repeated refrain that Dr. Mullin presents a "$50 million to $750 million" range is false and the Committee knows it. To make the assertion, the Committee conflates Dr. Mullin's tort system extrapolation estimate that will be presented at the Phase I hearing with his separate legal liability methodology that will not be presented until any Phase II hearing to manufacture what it describes as an "inherently unhelpful" estimate. Motion at p. 1.

Both the premise of the Committee's attack, and its legal underpinnings, are meritless.

First, by lumping together estimates from two different estimation frameworks, the Committee manufactures an issue that does not exist. The legal liability framework is grounded firmly in Law and Economics and recognizes that tort-system settlements do not equal liability. It posits that a defendant's payments in the tort system may be higher or lower than its actual liability depending on factors such as litigation strategy, defense cost avoidance, and information asymmetries. That theory is not novel: it was validated and applied by Judge Hodges in In re

Garlock Sealing Techs., LLC, 504 B.R. 71 (Bankr. W.D.N.C. 2014), where the court accepted a legal liability framework that distinguished between the debtor's settlement expenditures in the tort system and its underlying liability for asbestos claims. But whatever the merits of the legal-liability methodology, it is distinct from the tort-system extrapolation method, and is not a subject of the Phase I trial.

The Committee knows all of this. Its own Motion acknowledges the distinction. See, e.g., Motion at ¶¶ 4-5. In short, the range the Committee decries as "unhelpful" is one that it invented. It is not one that will be presented at the Phase I hearing. The actual tort system extrapolation estimate that Dr. Mullin will present at Phase I has a range of $425 million to $750 million, is grounded in well-accepted methodology, and uses the Debtors' own settlement and verdict history. The breadth of Dr. Mullin's tort-system range is not an indication of unreliability but, rather, a reflection of the fact that even small changes to key inputs—such as selection of a discount rate—can have substantial effects on estimations, particularly when those estimates are made over a long period.

Second, the legal basis for the Committee's efforts to exclude Dr. Mullin's opinions are equally meritless. Daubert does not require that an expert's estimate of current and future liabilities be a single number. A range, like the one both Dr. Mullin and Mr. McKnight provided, can be more than appropriate. See Bayer Healthcare LLC v. Baxalta Inc., 989 F.3d 964, 983 (Fed. Cir. 2021) ("While an expert must use reliable methodology for determining the range of possible hypothetical negotiation royalty rates, we are aware of no precedent that requires an expert to provide a single proposed royalty rate.").

Dr. Mullin's tort-system opinion includes sensitivity analyses showing varying four key contested inputs.[5] A sensitivity analysis does not mean that Dr. Mullin is uncertain about his methodology. Nor does it mean, as the Committee suggests, that there are "more than 50 estimates." Motion at p. 1. It means that Dr. Mullin is transparent about how key inputs, which are varied only across their reasonable values, affect the result. See, e.g., In re Zetia (Ezetimibe) Antitrust Litig., 2022 WL 3344191, at *14 (E.D. Va. Aug. 3, 2022) ("Providing a range of estimated outcomes rather than a solitary percentage aligns with Hrubiec's methodology – that is, experiential … Expressing expectations as a percentage range is prevalent in the practice of law"); In re Rail Freight Fuel Surcharge Antitrust Litig., 292 F. Supp. 3d 14, 80 (D.D.C. 2017) (finding an expert's "sensitivity analysis," used to test whether a model's results were sensitive to a contested input, "reliable under Daubert and therefore admissible").

The Committee claims Dr. Mullin's sensitivity analyses render his opinions "guesswork" and "speculation" labeling them as "choose-your-own-adventure." Motion at ¶ 15. The Committee is wrong. To the contrary, the entire purpose of Dr. Mullin's sensitivity analyses is to aid the Court. Each scenario that Dr. Mullin presents rests on the same proven methodology; the only thing that changes from one scenario to the next is the value chosen for a particular input. Because these inputs require judgment calls that the Court will ultimately make based on the evidence, showing the Court how each input changes the estimate should be useful to the Court. See, e.g., Fazzino v. Roe, 2021 WL 7287310, at *5 (W.D. Tex. Aug. 20, 2021) (admitting expert who provided "several options" for measuring damages, including a "range" because

[5] The four inputs that Dr. Mullin uses for his sensitivity analysis are: (1) the discount rate; (2) the calibration period; (3) varying assumptions for inclusion of the future incidence of non-asbestos related mesothelioma ("Non-ACP") and (4) the average settlement value trend.

"[t]he testimony provides facts that will help the trier of fact determine the takings in the present case.").

Notably, the Committee never argues that any of Dr. Mullin's differing inputs are unreasonable. Indeed, the Committee does not even bother to tell the Court what they are, nor to engage in any serious discussion of why Dr. Mullin has a range of estimates at all. It simply complains about the existence of these various scenarios. But Dr. Mullin's approach of offering differing inputs is appropriate. Dr. Sackett, by contrast, has offered an estimate that attempts to usurp the Court's role in determining questions of fact and law, such as selection of an appropriate discount rate. Dr. Mullin's scenarios give the Court well-defined options so it can exercise its own fact-finding and legal role.

None of the cases the Committee cites in its Motion remotely support excluding Dr. Mullin's opinions. Instead, these cases involve an expert who provided an opinion with no meaningful methodology—or failed to provide an opinion at all.[6] By contrast, the Committee does not—nor could it—take issue with the basic tort-system extrapolation methodology that Dr. Mullin has employed here.

Finally, to the extent the Committee believes Dr. Mullin is required to identify which of the scenarios and inputs within his range provides the "best" estimate of the Debtors' current and

[6] See, e.g., Ayers v. Robinson, 887 F. Supp. 1049, 1060, 63 (N.D. Ill. 1995) (excluding range provided by expert concerning the value of a human life (hedonic damages) where it would be "frankly bogus to massage" the range, given that the expert "employ[ed] a simple eyeballing technique" to decide on a benchmark and "[a]nyone can look at the same range and come up with a different figure"); Hein v. Merck & Co., 868 F. Supp. 230, 232-33 (M.D. Tenn. 1994) (hedonic damages); Westgate Resorts, Ltd. v. Reed Hein & Assocs., LLC, 2020 WL 11303335, at *4 (M.D. Fla. Oct. 16, 2020) (excluding evidence where "[t]here is no standard of measurement to guide the jury except the range itself" making a verdict within the range "pure guesswork"); see also Nix v. Chemours Co. FC, LLC, 805 F. Supp. 3d 626, 656 (E.D.N.C. 2025) (excluding causation expert who could only testify "that PFAS exposure (at some undefined level) is associated with certain adverse health effects"); Koenig v. Johnson, 2020 WL 2308305, at *7 (D.S.C. May 8, 2020) (excluding expert opinion on party's location that began: "[i]t is possible that the plaintiffs were far enough away …").

future asbestos liability using the tort system extrapolation method, he did so at his deposition. Specifically, Dr. Mullin identified (i) a 3-year calibration window, (ii) maintaining the historical trend in the average settlement value, and (iii) extrapolating along the mesothelioma actuarial curve with 10% non-ACP incidence. He then indicated that the Court would need to apply a discount rate based on either the trust rate of return of 6.11% or the risk-free rate of return of 4.5%. See Mullin Dep., Ex. 1 at 222:9-224:7, 224:17-225:10; see also Mullin Rebuttal Report, at Figure 41, C-3. Utilizing those inputs resulted in either a $565 million estimate utilizing the trust rate of return or a $625 million estimate based on the risk free rate of return. See Mullin Dep. at 224:9-225:2; see also Mullin Rebuttal Report, at Figure 41, C-3.

II. DR. MULLIN'S REBUTTAL OPINIONS ARE PROPER.

Next, the Committee argues that Dr. Mullin's Rebuttal Report improperly introduces "additional distinct affirmative estimates that are not rebuttal opinion." See Motion at ¶ 17. That is incorrect. Rather, Dr. Mullin's Rebuttal Report has simply reflected what his estimations would be if he provided additional scenarios using assumptions endorsed by either the Committee's and/or the FCR's experts in their own reports.

- First, Appendix C of Dr. Mullin's Rebuttal Report presents computations incorporating a 6.11% discount rate taken from the FCR's expert's initial expert report. See Mullin Rebuttal Report ¶ 93, Figure 39; see also McKnight Report ¶ 97 n.92. These are not new opinions; indeed, Dr. Mullin had already presented these same scenarios utilizing a 6.5% and 4.5% discount rate in his own Initial Expert Report. Dr. Mullin simply applied Mr. McKnight's 6.11% trust return rate and incorporated that rate in place of the slightly higher trust return rate Dr. Mullin had used in his Initial Expert Report. This is classic rebuttal.

- Second, the computations detailed in Figure 41 of Dr. Mullin's Rebuttal Report—presenting estimates based on forecasts using 10% of the non-asbestos-related mesothelioma incidence curve (10% Non-ACP incidence)—are not new. Dr. Mullin had already provided computations in his Initial Expert Report utilizing both a 0% and 20% Non-ACP incidence. See Mullin Initial Expert Report at Figure 29, p. 58. In addition, Dr. Mullin referenced the 10% Non-ACP incidence curve in his Initial Expert Report and included it in his reliance materials. See Mullin Initial Expert Report at p. 58, FN 140. By including the actual calculations using a 10% Non-ACP incidence curve in his Rebuttal Report, Dr. Mullin was using information he had already provided in the reliance materials for his Initial Expert Report to present mid-range computations responsive to certain assumptions or assertions made by the Committee's and FCR's experts. This, too, is quintessential rebuttal.
- Finally, the six computations in Dr. Mullin's Rebuttal Report that the Committee claims result from "mixing and matching the different methods used by the other experts" (Motion at ¶ 18) are also proper rebuttal. They demonstrate that Dr. Mullin's own methodology (component-based and expenditure-based) produce consistent results even when adopting assumptions utilized by the other parties' experts. This cross-validation serves a completely legitimate (and indeed, highly probative) rebuttal function: it responds to potential challenges to the reliability of any single methodology by demonstrating convergence across methods.

The Committee's position, supposedly based on this Court's Phase I Order [Dkt. 3011] and Rule 26(a)(2)(D)(ii) would prevent any expert from incorporating opposing expert inputs into its rebuttal analysis—an absurd result that would defeat the purpose of rebuttal and is

inconsistent with the law. Courts routinely hold that rebuttal experts may respond to opposing expert reports by applying the opposing expert's inputs to their own methodology, providing cross-validation, and responding to methodological criticisms. See, e.g., Nelson v. Warner, 2020 WL 4043630, *2 (S.D.W. Va. July 17, 2020) (expert's rebuttal report, "including his new statistical analysis" held to be proper rebuttal where it both "directly rebuts" opposing expert's conclusion and also "reaffirms his original conclusion"); E.E.O.C. v. Tepro, Inc., 133 F. Supp. 3d 1034, 1049-50 (E.D. Tenn. 2015) (finding report within proper scope of rebuttal; "[a]lthough he does offer several new statistical analyses, he does so solely to rebut claims and arguments made by [opposing expert]... Ultimately, he reaffirms the conclusions in his original report" and "merely argues that the analyses promoted by [opposing expert] support, rather than undermine, those conclusions"); City Grill Hospitality Grp., Inc. v. Nationwide Mut. Ins. Co., 2013 WL 6092231, at *2 (E.D.N.C. Nov. 19, 2013) ("Rebuttal evidence is defined as 'evidence given to explain, repel, counteract, or disprove facts given in evidence by the opposing party'" (quoting United States v. Stitt, 250 F.3d 878, 897 (4th Cir. 2001)). The Committee's complaints about the scope of Dr. Mullin's rebuttal opinions are not well founded, and should be rejected.

III. THE COMMITTEE'S EFFORTS TO EXCLUDE CERTAIN OPINIONS OF DR. MULLIN AS IRRELEVANT ARE IMPROPER AND PREMATURE.

Finally, the Committee's fallback request that the Court draw a line—now, before any expert has taken the stand—limiting the scope of Dr. Mullin's tort-system extrapolation testimony is premature. The Debtors agree that Dr. Mullin's affirmative testimony at Phase I will be confined to tort-system extrapolation; what the Committee seeks is a pre-trial ruling on precisely where that method's boundaries fall. That is a relevance determination that the Court should not make at this point, before any testimony has been offered or any foundation laid.

A motion *in limine* to exclude evidence "should be granted only when the evidence is clearly inadmissible on all potential grounds. This principle applies because a court is almost always better situated during the actual trial to assess the value and utility of evidence." United States v. Verges, 2014 WL 559573, at *3 (E.D. Va. Feb. 12, 2014) (finding it "impossible to conclude that all evidence" regarding a particular topic "is irrelevant without knowledge of the specific content or purpose for which it will be put forth"); see also Finch v. Covil Corp., 388 F. Supp. 3d 593, 612 (M.D.N.C. 2019) ("You're not entitled to evidentiary rulings in advance of my having a full and complete understanding of the relevance[.]")

The Debtors do not dispute that Dr. Mullin's affirmative testimony at the Phase I hearing will be confined to what is relevant to his tort-system extrapolation opinion. But as the Debtors previewed for the Court and the Committee back at the January hearing where the Committee first asked for this premature "relevance" determination, there remains disagreement at the margin as to exact contours of what is relevant to the tort-system extrapolations. See January 15, 2026 Hearing Tr., attached as Ex. 2 at 14-17.[7]

For example, in its Motion, the Committee seeks to exclude Dr. Mullin's references in his Initial Expert Report to the litigation experience of another frequent defendant in asbestos litigation, John Crane, Inc. ("JCI"). See Motion at ¶ 24. Here, again, the Committee continues to paint with an overly broad brush.

[7] Mr. Evert: "Your Honor may recall you and I had an exchange [at the prior hearing] where we were talking about whether there's going to be disputes over what is relevant to the tort system extrapolation method. And I said, 'Your Honor, we think there will be disputes and you're going to have to decide them, but that's okay. That's what judges do.' You agreed with me on that. You said, 'Right,' but you said, 'But, but in general principle,' meaning, 'In general, are you guys going to be able to agree?' And I said, 'Yeah. We can certainly get in the ballpark and the disputes are going to be in the nuances, right? And when we get to the time to put proof in front of your Honor, then we can, if we can't reach agreement, then we'll sort it out.'" See January 15, 2026 Hearing Tr., Ex. 2 at 14:10-22.

Because their liability arises from the incorporation of asbestos-containing gaskets and packing into their equipment, the Debtors' liability is remarkably similar to that of JCI, which was a manufacturer of gaskets and packing. However, JCI did not settle cases in the tort system, and, instead, takes the position that cases filed against them must either be dismissed or tried to verdict. Taking this approach, JCI, defending the same products for which the Debtors are sought to be held liable, reported far lower settlement costs (but much higher defense costs).

The Committee is correct that Dr. Mullin's estimate of the Debtors' liability based on the tort system experience of John Crane is not based on the "tort system extrapolation method, using the Debtors' settlement and verdict history." See Phase I Estimation Order, Dkt. 3011 at ¶ 2. As a result, that estimate, and the facts supporting it, will be presented in Phase II of the estimation trial. But the Court's Phase I Estimation Order also says the scope of evidence in Phase I will include the "opinions and support thereof, asserted in the Initial Expert Reports…relevant to the tort system extrapolation." Id. at ¶ 4. To decide, now, that there is no scenario whereby JCI's litigation experience is relevant in this Phase I trial is a bridge too far.

The Committee claims that this evidence is irrelevant to a tort-system extrapolation because it "hypothesize[s] a world where the Debtors do not behave in line with their own tort system history." Motion at ¶ 24. Ironically, however, that is exactly what the Committee has done. Its own expert, Dr. Sackett, has hypothesized and included in his forecast an estimate of adverse verdicts for an average of $15 million that would be rendered in six future trials (three against each Debtor) despite the fact that the Debtors have, collectively, gone to trial just one time in 40 years of asbestos litigation (Aldrich once and Murray never). Undoubtedly, if Dr. Sackett is allowed to provide this opinion, which is completely inconsistent with the Debtors' settlement and verdict history, then a discussion of JCI's experience in defending the same

products becomes highly relevant and useful to the Court. Frankly, Dr. Mullin's opinions on the applicability of JCI's tort system experience are far less speculative than a crystal ball on future verdicts for which there is no basis in tort system history.[8]

Dr. Mullin, as the Court will see, has vast knowledge from his many years of research and expert testimony in regard to asbestos litigation. If the information he has is relevant to Phase I of this proceeding, the Court would almost certainly benefit from it. And as explained above, the Court's gatekeeping role is already relaxed in a bench trial, because the Court itself will hear the testimony and can weigh it accordingly. That logic applies with even greater force to a straightforward relevance objection: the Court is fully capable of sustaining an objection in real time if and when the parties' presentations stray beyond tort-system extrapolation. See, e.g., Schultz v. Butcher, 24 F.3d 626, 632 (4th Cir. 1994) (finding exclusion under Rule 403 erroneous and noting that, in the context of "a bench trial, we are confident that the district court can hear relevant evidence, weigh its probative value and reject any improper inferences"). The Court should decline the Committee's invitation to police that boundary now and should instead allow the Debtors to present their case, subject to the Committee's right to object—and the Court's ability to sustain those objections when justified—as the testimony unfolds.

[8] The Committee references the testimony of the Debtors' rebuttal expert, Dr. Denise Martin, that there is an "accepted methodology" around the tort system extrapolation and that "[i]t's not a controversial topic." Motion at 13 quoting Martin Dep. at 22:5-23:21. The Debtors readily agree. But while there is broad consensus as to what is the accepted methodology, there is likewise not broad agreement as to exact contours of evidence relevant to the same.

CONCLUSION

Dr. Mullin's estimate is the product of a well-accepted methodology, applied to the Debtors' own settlement and verdict history, with well-defined inputs and a concrete most likely estimate. His opinions fall squarely within Rule 702 and Daubert. His methodology is reliable, his opinions are helpful, and his testimony should be admitted. The Motion should be denied.

Dated: July 16, 2026
Charlotte, North Carolina

Respectfully submitted,

/s/ John R. Miller, Jr.

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EXHIBIT 1

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

In re	
ALDRICH PUMP LLC, et al.,	Case No. 20-30608
Debtors.	

HIGHLY CONFIDENTIAL - PROFESSIONAL EYES ONLY
SUBJECT TO PROTECTIVE ORDER

VIDEOTAPED DEPOSITION OF
CHARLES HENRY MULLIN, PH.D.
Monday, May 4, 2026
10:12 a.m. EDT to 6:30 p.m. EDT

Reported by: Cindy L. Sebo, RMR, CRR, CLR, RPR, CCR, CSR, RSA, CA CSR 14409, NJ Certified CR 30XI0024460, NJ Certified RT 30XR00019500, NM CSR 589, NY Realtime Court Reporter, NY Association Certified Reporter, OR CSR 230105, TN CSR 998, TX CSR 12778, WA CSR 23005926, Remote Counsel Reporter, LiveLitigation Authorized Reporter, Notary Public
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The 10-year curve tends to be a little -- the 10-year period tends to be a little bit higher. That's mostly because the Murray claim values have fallen distinctly over that 10-year period. And so if you reach back to those older ones, the value goes up some.

So at this point, I would encourage the court probably to stick with the three-year periods given that's what the Brattle expert report does, that's what the Sackett report does and any other periods it's really insensitive to. So just for ease, but we've actually shown it doesn't really matter.

So I'd use the 3 percent -- the three-year calibration period. I'd use the 10 percent non-ACP. I think the historical trend is most appropriate for the ASV.

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And as far as the discount rate, I'm going to leave that one -- I can tell you what's appropriate depending on the question the court wants to ask, but I'm not going to tell you which one the court should adopt. That depends what question the court wants answered. And so I've quantified that.

I wouldn't use the 6.5. The 6.5, as I said in my affirmative report, is an upper bound of what I think the trust rate of return would be. I think the actual rate would be a little lower.

Brattle went through the effort of quantifying -- kind of modeling the investment portfolio, and instead of creating an upper bound, produced a point estimate. So I -- the reason I redid these at 6.1 -- because I think that's a better point

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estimate if you want a trust rate of return than the 6.5, which I was doing an upper bound on.

So I'd encourage a 6.1 if discounting at the trust rate of return is what the court would desire to do.

BY ATTORNEY J. WEHNER:

Q. All right. So out of Figure 29 in the Corrected Initial Expert Report, Figure 39 in the rebuttal expert report and Figure 41 in the rebuttal report, I take it you are directing your attention as to the best estimate to the fourth line down in Figure 41 of the rebuttal report, three years, historical trend 6.11, 10 percent non-ACP?

A. If the court were to say it wanted to discount at the trust rate of return, if the court said it -- I would direct it towards that line. If the court said it wanted to discount at a risk-free rate of return, then I'd switch the 6.11 to 4.5 percent, which -- so three years

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historical trend, that gets you about 6.25, I think.

Q. 6.25. Okay. Got it.

Okay.

A. But, again, the exact number, we -- we aren't going to get the last million or 2 million right when you're projecting something 40 years out, so you're kind of seeing the sensitivity of changing some parameters about that.

Q. Do I understand correctly in Figure 29, and I suppose also in Figure 13 -- I'm sorry -- Figure 29 in your Corrected Initial Expert Report, and I suppose also in Figure 39 of your rebuttal expert report, you apply a propensity to sue of 77 percent for Aldrich and 63 percent for Murray?

A. It's -- Paragraph 149 has those two percentages in it.

I'm trying -- let me see . . .

(The witness reviews the material presented.)

EXHIBIT 2

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

IN RE:	:	Case No. 20-30608 (LMJ) (Jointly Administered)
ALDRICH PUMP LLC, *et al.*,	:	
Debtors.	:	Chapter 11
	:	Charlotte, North Carolina
	:	Thursday, January 15, 2026 9:30 a.m.
	:	

: : : :

resolve liability for current and future asbestos claims, paren, I think -- no -- "based on the tort system extrapolation method." That limiting language from our perspective, your Honor, tries to prejudge issues of what facts are necessarily relevant to the tort system extrapolation method. And so we were trying to be mindful of the Court's order and ordered, the Court ordered trial and tort system extrapolation method. That's what we thought the order should say. And the Court's going to figure out what that means as we move along, which is where we ended up at the last hearing when, your Honor may recall you and I had an exchange where we were talking about whether there's going to be disputes over what is relevant to the tort system extrapolation method. And I said, "Your Honor, we think there will be disputes and you're going to have to decide them, but that's okay. That's what judges do." You agreed with me on that. You said, "Right," but you said, "But, but in general principle," meaning, "In general, are you guys going to be able to agree?" And I said, "Yeah. We can certainly get in the ballpark and the disputes are going to be in the nuances, right? And when we get to the time to put proof in front of your Honor, then we can, if we can't reach agreement, then we'll sort it out."

So our, that leads us to the second issue in, in the order, which is the proposed Paragraph 5 from the ACC. And what the ACC has proposed is that we need to meet and confer

now over -- I'll read it to you:

"The parties shall meet and confer no later than January 21, 2026 as to the scope of the issues to be addressed in Phase 1. If the parties cannot agree, motions regarding such scope shall be filed and served no later than January 28th."

Well, first of all, your Honor, we believe the scope of the issues of the trial is the debtors' liability based on the tort extrapolation method. That's what, that's what we believe the issue of the Phase 1 trial is. The, the, the ACC apparently wants to try to make finer points around that, around exactly what that involves. And frankly, at this point in time, as we discussed at the last hearing, we don't see how you can do that unless you take a deep dive into the expert reports and try to, and, and try to engage, we engage in motions practice now, trying to prejudge what, what the issues are for relevance for tort system extrapolation. We thought that's not what either the Court or frankly, the other parties wanted to do.

Conversely, we expected this to be like any other trial in the history of trials where there are always disputes between the parties about what's relevant and what's not and when everything's discovered and all the, the experts have been deposed and the opinions are out there and the facts on which, on which the experts rely for those opinions are out there, we

put the evidence in front of the Court and somebody stands up and says, "Objection. We think that's irrelevant to Phase 1." And the Court says yes or no, right, and we go forward on that basis.

Now that's the way every trial I've ever been involved in does, has done it. Trying at this point in time to engage in extensive review of the expert reports, motions practice surrounding those reports, all to try to identify issues beyond what is the debtors' liability based on the tort system extrapolation method is, in our view, one, will delay things and two, is, is a bit of a fool's errand. Because we're still going to end up at trial disagreeing on what facts are relevant to those particular issues and the Court's still going to have to make those determinations.

Now the ACC says, "Well," in our meeting confers, says, "Well, we don't know what we need to rebut." Again, your Honor, you know, I've been in a million cases where the expert issues a report and I say, "Well, that's not even relevant," all right? So those decisions -- whether to rebut that or not is a decision that is made. And frankly, we got to remember. This is rebuttal. This is not affirmative new evidence. This is merely rebuttal of facts and opinions that they believe are inappropriate in the initial affirmative expert reports.

So in our view, we, the, the normal course, and in every other trial, what's done is that you rebut what you think

you need to rebut, you don't rebut what you think is irrelevant, and you move forward and the Court makes the decisions on relevance at the time of trial, once all the facts are developed, or, at the earliest, you'll recall that in the order we've agreed on in Paragraph, whether it's Paragraph 8 or 9, "The parties shall file and serve pre-trial briefs no later than seven days prior to the Phase 1 estimation hearing." And, and before that, "The parties shall file and serve any pre-hearing motions no later than June 1, 2026."

So if once the facts are developed and the experts are deposed and those kinds of things, if the parties want to file *in limine* motions, which, which I find pretty unusual in bench trials, but nevertheless, if the parties want to file *in limine* motions, they can so the Court can make some determinations about things that maybe the Court will never hear, doesn't really make a lot of sense 'cause you got to hear it in the *in limine* motion in order -- in order -- it's not like a jury. Normally with a, with a --

THE COURT: Yeah.

MR. EVERT: -- with a -- you're keeping the *in limine* motion, you're filing it so the jury doesn't hear it. You've got to hear it to decide it. So -- and, and that applies if we tried to litigate the issues now. You've got to hear it to decide it and if the whole idea is for you not to hear it, then, from our perspective, just like every other trial, we