

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

In re	:	Chapter 11
	:	
ALDRICH PUMP LLC, <i>et al.</i> , ¹	:	Case No. 20-30608 (JCW)
	:	
Debtors.	:	(Jointly Administered)
	:	
	:	
ALDRICH PUMP LLC, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Adversary Proceeding
	:	
THOSE PARTIES LISTED ON APPENDIX	:	Case No. 20-03041 (JCW)
A TO COMPLAINT and JOHN AND JANE	:	
DOES 1-1000,	:	
	:	
Defendants.	:	
	:	

MOTION TO FILE CONFIDENTIAL INFORMATION UNDER SEAL

The Official Committee of Asbestos Personal Injury Claimants (the “**Committee**” or the “**Movant**”), by and through undersigned counsel, pursuant to 11 U.S.C. § 105(a), 11 U.S.C. § 107(b), Rule 9018 of the Federal Rules of Bankruptcy Procedure, Rule 6.1 of the Rules of Practice and Procedure of the United States District Court for the Western District of North Carolina and Section I.1 of the Agreed Protective Order Governing Confidential Information (Case No. 20-30608, Dkt. No. 345) entered on September 23, 2020 (“**Protective Order**”), hereby files this Motion (the “**Motion**”) for an Order authorizing the filing in a redacted format of the

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.



Committee's *[Proposed] Findings of Fact and Conclusions of Law Denying the Debtors' Motion for Preliminary Injunction or Declaratory Judgment* (the "**Committee's Proposed Findings**"), which is attached to the *Notice of Filing* filed on May 26, 2021 [Adv. Dkt. No. 272]. The confidential information that is redacted in the Committee's Proposed Findings consists of references to deposition transcripts and/or hearing exhibits that have been designated as confidential (the "**Confidential Materials**") by the Debtors, and/or by Trane Technologies Company LLC and Trane U.S. Inc. (together, the "**Non-Debtor Affiliates**").

In support, the Movant respectfully states as follows:

1. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334, and this matter is a core proceeding within the meaning of 28 U.S.C. § 157(b).²

2. The statutory bases for the relief requested herein are 11 U.S.C. § 105(a), 11 U.S.C. § 107(b) and Federal Rule of Bankruptcy Procedure 9018. 11 U.S.C. § 105(a) gives this Court authority to "issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title." The Bankruptcy Code authorizes the Court, in appropriate circumstances, to issue orders to protect entities from potential harm that may result from the disclosure of confidential information. 11 U.S.C. § 107(b). Federal Rule of Bankruptcy Procedure 9018 provides that "[o]n motion or on its own initiative, with or without notice, the court may make any order which justice requires (1) to protect the estate or any entity in respect of . . . confidential . . . commercial information."

3. The Protective Order was entered on or about September 23, 2020.³ The Protective

² The Committee reserves all rights to object to the Court's jurisdiction with respect to granting a preliminary injunction protecting non-debtors, and nothing in this request for relief is intended to waive such an argument or act as the Committee's consent to the appropriateness of jurisdiction here.

³ On October 15, 2020, the Future Claimants' Representative elected to become a party to the Protective Order. *See Notice of Election of Future Claimants Representative to Become a Party to Modified Protective Order* [Case No. 20-30608, Dkt. No. 395].

Order governs the parties' rights and obligations with respect to "Confidential Information," defined in the order as:

[I]nformation, documents or things produced or provided (formally or informally) by the Disclosing Party that such Disclosing Party or a Designating Party reasonably believes in good faith contains confidential, proprietary or commercially sensitive information, including, but not limited to, (a) trade secrets, (b) proprietary business information and (c) information implicating an individual's legitimate expectation of privacy, including medical information and social security numbers. This term shall include information furnished or otherwise disclosed in any manner, including, without limitation, in written form, orally or through any electronic, facsimile or computer-related communication, and also shall include, without limitation, those portions of deposition testimony (whether based upon oral examination or written questions), answers to interrogatories, requests for admissions, responses to requests for admission, notes, summaries, compilations, memoranda or similar materials disclosing or discussing Confidential Information. Confidential Information also shall include information, documents or things designated by the Disclosing Party or Designating Party as "Confidential – Professional Eyes Only" in accordance with Paragraph J.

Protective Order [Case No. 20-30608, Dkt. No. 345, at 3-4].

4. Section I (Disclosure of Covered Information in the Bankruptcy Proceedings), subparagraph 1 (Protection of Covered Information) of the Protective Order provides that:

[T]he Party seeking to use Covered Information in the court may file a Motion to Seal pursuant to Rule 9037-1 of the Rules of Practice and Procedure of the United States Bankruptcy Court for the Western District of North Carolina and Local Civil Rule 6.1 of the Rules of Practice and Procedure of the United States District Court for the Western District of North Carolina, as appropriate; *provided that* (a) pending a ruling on such Motion to Seal or other agreement or court order that permits the public filing of the materials at issue, the Parties shall maintain the confidentiality of the Covered Information; (b) where necessary, the moving Party may file a redacted copy of its Motion to Seal, brief or other relevant materials, eliminating the Covered Information; and (c) the moving Party may provide an unredacted copy of these materials to the Court under seal to assist in its consideration of the Motion to Seal.

Protective Order [Case No. 20-30608, Dkt. No. 345, at 15].

5. Under section C.2 of the Protective Order, certain portions of deposition transcripts and/or hearing exhibits referenced in the Committee's Proposed Findings have been designated as

“Confidential Information” by the Debtors and/or the Non-Debtor Affiliates. In accordance with the Protective Order, the Committee is filing the Committee’s Proposed Findings with the Confidential Materials redacted.

6. The parties have not reached an agreement that avoids the need to file the Confidential Materials under seal. Therefore, the Movant is bringing this Motion to comply with the terms of the Protective Order and the designation of portions of deposition transcripts and/or hearing exhibits as Confidential thereunder.

7. The Committee will work with the Debtors and/or the Non-Debtor Affiliates to determine which, if any, Confidential Information may be unsealed. By filing this motion, the Committee is not taking a position as to whether the materials were appropriately designated as “Confidential.”

8. As provided for in the Protective Order, the Movant will deliver an unredacted copy of the Committee’s Proposed Findings to this Court.

9. WHEREFORE, the Movant respectfully requests that the Court enter an order substantially in the form attached hereto as **Exhibit A**: (a) authorizing the filing of the Committee’s Proposed Findings with the Confidential Materials under seal; and (b) granting such other and further relief to the Committee as the Court may deem proper.

Dated: May 26, 2021

HAMILTON STEPHENS STEELE
+ MARTIN, PLLC

/s/ Robert A. Cox, Jr.

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*Counsel to the Official Committee
of Asbestos Personal Injury Claimants*

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

In re:

ALDRICH PUMP LLC, *et al.*,¹

Debtors.

Chapter 11

Case No. 20-30608 (JCW)

(Jointly Administered)

ALDRICH PUMP LLC and MURRAY
BOILER LLC,

Plaintiffs,

v.

THOSE PARTIES TO ACTIONS LISTED ON
APPENDIX A TO COMPLAINT and JOHN
AND JANE DOES 1-1000,

Defendants.

Adversary Proceeding

No. 20-03041 (JCW)

NOTICE OF HEARING

PLEASE TAKE NOTICE that The Official Committee of Asbestos Personal Injury Claimants (the “**Committee**”) filed a *Motion to File Confidential Information Under Seal* (the “**Motion**”) related to the *[Proposed] Findings of Fact and Conclusions of Law Denying the Debtors’ Motion for Preliminary Injunction or Declaratory Judgment* attached to the *Notice of Filing* [Adv. Dkt. No. 272].

PLEASE TAKE FURTHER NOTICE that your rights may be affected by this Motion. You should read the Motion carefully and discuss it with your attorney. If you do not have an attorney, you may wish to consult with one.

PLEASE TAKE FURTHER NOTICE that if you do not want the Court to grant the relief requested in the Motion, or if you oppose it in any way, then on or before **June 9, 2021** you MUST:

1. File a formal, written response with the Bankruptcy Court at:

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

Clerk, United States Bankruptcy Court
Charles Jonas Federal Building
401 West Trade Street
Charlotte, North Carolina 28202

2. Serve a copy of your response on all parties in interest, including:
 - a) U.S. Bankruptcy Administrator
402 West Trade Street
Charlotte, NC 28202
 - b) HAMILTON STEPHENS STEELE + MARTIN, PLLC
Glenn C. Thompson
525 North Tryon Street, Suite 1400
Charlotte, North Carolina 28202
 - c) ROBINSON & COLE LLP
Natalie D. Ramsey
Davis Lee Wright
1000 N. West Street, Suite 1200
Wilmington, Delaware 19801
 - d) CAPLIN & DRYSDALE, CHARTERED
Kevin C. Maclay
Todd E. Phillips
James P. Wehner
One Thomas Circle NW, Suite 1100
Washington, DC 20005
 - e) WINSTON & STRAWN LLP
David Neier
Carrie V. Hardman
200 Park Avenue
New York, NY 10166

If you do not want the Court to grant the relief requested in the Motion or if you want the Court to consider your views on the Motion, then you or your attorney should attend the hearing on **June 24, 2021 at 9:30 a.m.** before the Honorable J. Craig Whitley at the United States Bankruptcy Court, Charles Jonas Federal Building, Courtroom 2B, 401 West Trade Street, Charlotte, North Carolina 28202.

PLEASE TAKE FURTHER NOTICE that the Court may grant the relief requested in the Motion. No further notice of the hearing on the Motion will be given.

Dated: May 26, 2021
Charlotte, North Carolina

HAMILTON STEPHENS STEELE
+ MARTIN, PLLC

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Personal Injury Claimants*

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

In re	:	Chapter 11
ALDRICH PUMP LLC, <i>et al.</i> , ¹	:	Case No. 20-30608 (JCW)
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ALDRICH PUMP LLC, <i>et al.</i> ,	:	
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THOSE PARTIES LISTED ON APPENDIX	:	Case No. 20-03041 (JCW)
A TO COMPLAINT and JOHN AND JANE	:	
DOES 1-1000,	:	
Defendants.	:	

**ORDER GRANTING MOTION OF THE OFFICIAL COMMITTEE
OF ASBESTOS PERSONAL INJURY CLAIMANTS TO FILE
CONFIDENTIAL INFORMATION UNDER SEAL**

Upon consideration of the Motion of the Official Committee of Asbestos Personal Injury

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.

Claimants (the “**Committee**”) to file Confidential Information under seal (the “**Motion**”);² and the Committee having demonstrated upon the record herein good cause for the relief requested in the Motion; and after due deliberation

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. The Confidential Materials referenced in the *[Proposed] Findings of Fact and Conclusions of Law Denying the Debtors’ Motion for Preliminary Injunction or Declaratory Judgment* (the “**Committee’s Proposed Findings**”) attached to that *Notice of Filing* [Adv. Dkt. No. 272] are to remain filed on the public docket in a redacted format.
3. This Court shall retain jurisdiction with respect to all matters relating to the interpretation or implementation of this Order.

This order has been signed electronically. The Judge’s signature and Court’s seal appear at the top of this Order.	United States Bankruptcy Court Western District of North Carolina
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² Capitalized terms used but not defined herein shall have the respective meanings given to such terms in the Motion.