

**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)
	:	

**THE OFFICIAL COMMITTEE OF ASBESTOS PERSONAL INJURY CLAIMANTS'
MOTION FOR ENTRY OF AN ORDER ESTABLISHING
CASE MANAGEMENT PROCEDURES FOR ESTIMATION**

The Official Committee of Asbestos Personal Injury Claimants (the “Committee”) respectfully submits this motion (the “Motion”) for entry of a case management order, substantially in the form attached hereto as **Exhibit A** (the “Committee CMO”), to govern the timeline for written discovery regarding the estimation proceeding ordered in the Court’s *Order Authorizing Estimation of Asbestos Claims* [Docket No. 1127].² In support of this Motion, the Committee respectfully states as follows:

PRELIMINARY STATEMENT

In accordance with the Court’s order, the Committee and the Debtors have exchanged drafts of proposed case management orders for estimation (each, a “CMO”) and have met and conferred regarding the estimation schedule.

As explained in this Motion, the Committee CMO is more reasonable than the Debtors’ proposed CMO because it provides clarity on upcoming deadlines. The Debtors’ CMO is not a

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.

² Capitalized terms not otherwise defined herein have the meaning given to them in the order.



reasonable alternative because it simply does not address certain topics that are necessary for the prompt completion of Written Discovery and to prevent Written Discovery—and the entire estimation proceeding—from devolving into unending motion practice. The Committee CMO is designed to avoid “undue delay” by requiring certain initial disclosures from the Debtors, identification of fact witnesses and the subjects and fields of expertise of potential expert witnesses, and the identification specific cases at issue—all within the Written Discovery period. At the same time, the Committee CMO seeks to accommodate the Debtors’ concerns regarding flexibility; rather than setting out the full estimation schedule, it sets aside for another order all future deadlines that do not relate to Written Discovery, including fact witness depositions, expert discovery, and pretrial motions.

The Debtors’ proposed CMO, by contrast, fails to accomplish any of the purposes of a case management order. It sets unrealistically short deadlines, while limiting the scope to only address Written Discovery without providing for any disclosures of fact witnesses or expert subject matters/fields of expertise for which Written Discovery may be necessary. This approach would necessitate immediate renegotiation of both extensions of the deadlines for Written Discovery as well as the next steps in the estimation proceeding. While generally limited in scope, the Debtors’ proposed CMO needlessly incorporates the parallel process of the personal injury questionnaires (“PIQs”), including tying deadlines regarding “motion[s] to compel or other motions directed at compliance” to the same deadline regardless of whether the motions relate to the PIQ or the Written Discovery. This serves no apparent purpose beyond potentially extending the Debtors’ opportunity to litigate issues of PIQ compliance—an inappropriate subject for an Estimation CMO addressing Written Discovery between the Debtors, the FCR, New TUI, New TTC, and the Committee.

In addition, the Debtors' proposed CMO fails to propose any meaningful way to address the discovery issues that have bogged down the *Bestwall* estimation proceeding with months of ongoing litigation over the sufficiency of the privilege logs in that case. The Debtors propose the use of categorical privilege logs, but the Debtors do not specify what categories would be used and, instead, propose a meet and confer process to be followed by inevitable litigation. The Committee wants to avoid categorical privilege logs that provide inadequate information such as those privilege logs that Judge Beyer found in *Bestwall* to be insufficient.³ The Committee CMO does identify those categories for which the Committee may consider a categorical privilege log appropriate for estimation, but any case management order approved by the Court must define the parameters for any privilege log.

The Committee CMO offers a fair, prompt, and straightforward path to estimation by establishing realistic deadlines and detailed requirements and avoiding needless litigation that will delay estimation. The Debtors' proposed CMO should not be approved as it fails to address certain fact discovery that should be completed during the Written Discovery period. As a result, the Debtors' proposed CMO raises the significant potential of additional motion practice and delay. The Court should grant the Motion and enter the Committee's proposed case management order.

BACKGROUND

On June 18, 2020 (the "Petition Date"), the Debtors commenced these cases by filing voluntary petitions for relief under chapter 11 of the Bankruptcy Code.

On September 24, 2021, the Debtors filed the *Motion of the Debtors for Estimation of Prepetition Asbestos Claims* [Docket No. 833] (the "Estimation Motion"), with the support [Dkt. No. 888] of the Future Claimants' Representative ("FCR"), asking the Court to estimate current

³ See Hr'g Tr. at 17:2-4, *In re Bestwall LLC*, No. 17-31795 (LTB) (Bankr. W.D.N.C. Mar. 17, 2022).

mesothelioma claims against the Debtors. The Committee objected [Dkt. No.892], arguing, among other things, that estimation would unduly delay administration of the chapter 11 case and that, if the Court was inclined to proceed with an estimation, the estimation should include both current and future mesothelioma claims against the Debtors.

The Court held a hearing on the Estimation Motion on December 2, 2021, and ruled on January 27, 2022, that it would conduct an estimation proceeding as to both current and future mesothelioma claims against the Debtors.

On April 18, 2022, the Court entered its estimation order [Dkt. No. 1127], finding that “the fixing or liquidation of [mesothelioma claims] would unduly delay the administration of these chapter 11 cases” Paragraph four of the Court’s order stated: “The Debtors, the [Committee], and the FCR will negotiate a separate case management order for estimation (the ‘Estimation CMO’). Separate proposed case management orders may be submitted . . . if the parties are unable to consensually resolve any disputes related to the Estimation CMO.”

On May 5, 2022, the Debtors provided the Committee and the FCR with a draft CMO for discussion at a meet-and-confer on May 6. The Debtors’ CMO proposed a limited Written Discovery period lasting 180 days without any modifications to the limits on written discovery imposed by the Federal Rules of Civil Procedure.⁴ Further scheduling of depositions and associated productions; expert reports; and the estimation trial itself, including pretrial activities, will be addressed in a future case management order to be entered after the completion of Written Discovery. The Debtors’ CMO further provides that, because “logging of privileged documents on a document-by-document basis would be unduly burdensome and would likely provide no

⁴ While the limitations on depositions imposed by the Federal Rules of Civil Procedure are not addressed in the Debtors’ CMO, the Committee CMO proposes an increase to thirty depositions per side. Following a recent meet and confer session, the Debtors have agreed to expand the limits on interrogatories from 25 to 50 (including all discrete subparts), as requested by the Committee.

material benefit to the discovery party . . . the parties shall meet and confer to discuss the format of . . . a categorical log.”

Over the following weeks, the Committee and the Debtors exchanged drafts and participated in meet and confers. Although the Committee and the Debtors were able to agree as to certain changes to the proposed CMOs, the parties continue to have fundamental differences in approach. The Debtors have proposed a vaguely defined and rushed process for Written Discovery that also seeks to potentially expand the time during which they may contest claimant compliance with the separate PIQ process. On the other hand, the Committee has laid out particular disclosure requirements for the parties, and timelines that reflect the realities of the scope of these cases.

More specifically, the Committee CMO provides, among other things, that:

- All Written Discovery shall end no later than 365 days after entry of the Estimation CMO;
- The Debtors’ initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure shall be made within 30 days of the entry of the Estimation CMO and shall include, as set forth in more detail in the Estimation CMO, information on (i) likely sources of discoverable data; and (ii) the subject asbestos-containing products;
- The Parties’ preliminary disclosure of fact witnesses will occur within 90 days of the entry of the Estimation CMO, and be timely supplemented through 90 days preceding the close of Written Discovery;
- The Parties will serve preliminary disclosure of the subjects of their expert testimony, and fields of expertise, for their cases-in-chief within 90 days of the entry of the Estimation CMO, which shall be timely supplemented through 90 days preceding the close of Written Discovery;
- The Parties will serve preliminary disclosure of the subjects of their expert testimony, and fields of expertise, for their rebuttal cases within 120 days of the entry of the Estimation CMO, which shall be timely supplemented through 60 days preceding the close of Written Discovery; and

- Prior to 90 days before the close of Written Discovery, the Debtor shall identify all resolved mesothelioma claims for which: (i) the Debtors contend that the plaintiff's identification of Old Trane's or Old IRNJ's product was false, incomplete, or misleading, (ii) the Debtors contend that the plaintiff did not disclose, or did not fully disclose, their potential exposure to asbestos-containing products of other manufacturers, (iii) the Debtors contend that the plaintiff did not disclose, or did not fully disclose, claims made to asbestos personal injury trusts, (iv) the Debtors (or any counsel or expert for the Debtors) have reviewed to date in connection with this Estimation Proceeding, and (v) the Debtors' counsel or experts have requested (the "Resolved Mesothelioma Claims").

Under the Debtors' proposed CMO, by contrast, all of the milestones identified above are unspecified. Further, the Debtors' CMO does not address the identification of the Resolved Mesothelioma Claims. This omission significantly increases the potential prejudice the Committee will experience in proceeding to estimation because the Debtors' failure to disclose the Resolved Mesothelioma Claims prior to the end of Written Discovery may mean that the Committee is unable to take additional necessary fact discovery on those claims before Written Discovery closes or may not be able to utilize such information during fact witness depositions or expert discovery.

RELIEF REQUESTED

The Committee hereby seeks the entry of the Committee CMO, substantially in the form attached hereto as **Exhibit A**, to establish a schedule for a fair and balanced estimation process including, among other things, (i) a discovery plan (attached to the Committee CMO as Exhibit 1); (ii) the timeline and procedure for initial disclosures; and (iii) the timeline, procedures, and deadlines of completing written discovery.

BASIS FOR RELIEF REQUESTED

Section 105(a) of the Bankruptcy Code provides that bankruptcy courts "may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions" of the

Bankruptcy Code. 11 U.S.C. § 105(a). Thus, bankruptcy courts have broad authority and discretion to enforce the provisions of the Bankruptcy Code. Courts here and elsewhere regularly approve case management procedures to promote the efficient administration of cases. *See, e.g.*, Amended Case Management Order for Estimation of the Debtors' Liability for Mesothelioma Claims, *In re Bestwall LLC*, No. 17-31795 (LTB) (Bankr. W.D.N.C. Dec. 21, 2021) (approving amended case management order for estimation).

Here, the Committee CMO would establish a fair, realistic, and orderly schedule for Written Discovery. It provides the Court and the parties with certainty and attempts to ensure that the estimation proceeding will not itself create the "undue delay" that estimation is meant to avoid. *See In re Adelphia Bus. Sols., Inc.*, 341 B.R. 415, 423 (Bankr. S.D.N.Y. 2003) ("[C]ourts specifically have recognized that it is often 'inappropriate to hold time-consuming proceedings which would defeat the very purpose of 11 U.S.C. § 502(c)(1) to avoid undue delay.'" (quoting *In re Windsor Plumbing Supply Co.*, 170 B.R. 503, 520 (Bankr. E.D.N.Y. 1994))); *In re G-I Holdings, Inc.*, 323 B.R. 583, 599 (Bankr. D.N.J. 2005) ("[T]o the greatest extent possible, [estimation] should not run counter to the efficient and expeditious administration of the bankruptcy estate." (citing *Bittner v. Borne Chem. Co.*, 691 F.2d 134, 135-36 (3d Cir. 1982) (explaining that, in the event that a court does proceed with estimation, the court's "principal consideration" when determining how to move forward "must be an accommodation to the underlying purposes of the Code"))); *In re FV Steel & Wire Co.*, 372 B.R. 446, 453 (Bankr. E.D. Wis. 2007) (finding that the "very purpose" of section 502(c)(1) is "to avoid undue delay" (citing *In re Windsor*, 170 B.R. at 520)).

In convincing the Court to order estimation, the Debtors argued that "the purpose of the Debtors' proposed estimation is to create a process that will provide key guidance from the Court

while avoiding additional, unnecessary delay.” *Debtors’ Reply in Support of Estimation Motion* [Dkt. No. 903] (“Estimation Reply”) ¶ 5. Despite this, the Debtors’ proposed CMO would delay estimation by inviting litigation to clarify vague timelines, seek further extensions of time regarding Written Discovery, or efforts to reopen the record if the Debtors disclosed the Resolved Mesothelioma Claims after the close of Written Discovery.

The Committee CMO is the only proposal that would provide the parties with certainty about the estimation schedule and allow them (and the Court) to plan accordingly. The Committee CMO is also the only proposal that would avoid, or at least substantially reduce, the wasteful litigation over privilege-log issues that have consumed the parties in *Bestwall*. The Debtors prefer a categorical log, and their proposed order mimics the language of the *Bestwall* CMO. The privilege logs in *Bestwall*, however, were “[u]ndoubtedly . . . inadequate”⁵ and required a tremendous amount of time-consuming motion practice to force Bestwall to produce thousands of non-privileged documents.⁶ More than six months after the deadline for the privilege logs in that case, neither Bestwall nor the claimants’ representatives in that case can rely on the approximately 500,000-entry privilege log to accurately and adequately identify the documents withheld and the basis on which they were withheld. The Committee has thus proposed a standard privilege log,⁷ so that the Committee and the Court can clearly understand and evaluate whether the Debtors have carried their burden, under binding Fourth Circuit law, to show that a privilege or protection exists

⁵ Hr’g Tr. at 17:2-4, *In re Bestwall LLC*, No. 17-31795 (LTB) (Bankr. W.D.N.C. Mar. 17, 2022).

⁶ See, e.g., The Official Committee of Asbestos Claimants and the Future Claimants’ Representative’s Motion to Compel Production of Documents List on the Debtor’s Privilege Log, *In re Bestwall LLC*, Case No. 17-31795 (Bankr. W.D.N.C. Dec. 14, 2021); The Official Committee of Asbestos Claimants and the Future Claimants’ Representative’s Supplement in Support of Motion to Compel Production of Documents List on the Debtor’s Privilege Log, *In re Bestwall LLC*, Case No. 17-31795 (Bankr. W.D.N.C. Feb. 21, 2022); Motion for Reconsideration of Order Denying the Official Committee of Asbestos Claimants and the Future Claimants’ Representative’s Motion to Compel Production of Documents List on the Debtor’s Privilege Log, *In re Bestwall LLC*, Case No. 17-31795 (Bankr. W.D.N.C. Apr. 18, 2022).

⁷ The parties know certain types of documents that will be in the pool of responsive documents.

and it has not been waived. *See, e.g., N.L.R.B. v. Interbake Foods, LLC*, 637 F.3d 492, 502 (4th Cir. 2011) (“When a party relies on a privilege log to assert these privileges, the log must as to each document . . . set[] forth specific facts that, if credited, would suffice to establish each element of the privilege or immunity that is claimed.”). As indicated in the Committee Discovery Protocol and Attachment C thereto, the Committee may be amenable to discussing a categorical privilege log, but to be efficient and cost-effective, and to avoid the issues that arose in *Bestwall*, any CMO must identify the requisite parameters and example categories for a categorical log upfront.

The Debtors are the parties who wanted estimation, who argued to the Court that estimation would avoid undue delay, and who emphasized that estimation’s “objective guidance from this Court . . . will promote meaningful progress here,” which the Debtors hope “will lead to a prompt and consensual resolution.” Estimation Reply at 4. The Court should hold the Debtors to their word. The Court should grant the Motion and enter the Committee CMO.

WHEREFORE, the Committee respectfully requests that the Court enter the Committee CMO, substantially in the form attached hereto as **Exhibit A**, and grant such other and further relief as the Court may deem just and proper.

[Signature on next page]

Dated: June 9, 2022
Charlotte, North Carolina

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**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)
	:	

**[PROPOSED] CASE MANAGEMENT ORDER FOR ESTIMATION OF
MESOTHELIOMA CLAIMS**

On April 18, 2022, the Court entered its *Order Authorizing Estimation of Asbestos Claims* [Dkt. No. 1127] (the “Estimation Order”).

This Order sets forth the initial schedule and procedures that shall apply to the contested matter (the “Estimation Proceeding”).

NOW THEREFORE, IT IS HEREBY ORDERED THAT:

1. Each of Aldrich Pump LLC (“Aldrich”), Murray Boiler LLC (“Murray,” and with Aldrich, the “Debtors”), the Official Committee of Asbestos Personal Injury Claimants (the “Committee”), the Future Claimants Representative (the “FCR”), Trane U.S. Inc. (“New TUI”) and Trane Technologies Company LLC (“New TTC” and, together with the Debtors, the Committee, the FCR, and New TUI, the “Parties,” or each individually a “Party”) shall be treated as a party for purposes of the Estimation Proceeding.

2. The Joint Discovery Plan and Report (ESI Protocol) (the “Discovery Plan”), attached hereto as Exhibit 1, shall govern discovery of electronically stored information (“ESI”) among the Parties to the Estimation Proceeding.

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.

3. Initial Disclosures. Pursuant to Rules 9014(c) and 7026 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), Rule 26(a)(1) of the Federal Rules of Civil Procedure (the “Civil Rules”) shall apply in the Estimation Proceeding. Each Party shall make its initial disclosures by 30 days after the entry of this Order. The Debtors’ initial disclosures shall include the following:

(a) Custodians. The Debtors shall identify no less than 20 custodians most likely to have discoverable information in their possession, custody, or control. The custodians shall be identified by name, title, and role related to the Debtors’ asbestos-related personal injury claims, and the disclosures shall describe the nature and types of information in the custodians’ possession, custody or control.

(b) Non-Custodial Data Sources.² The Debtors shall identify no less than 10 non-custodial data sources most likely to contain non-duplicative discoverable information.

(c) Shared Repositories and Drives. The Debtors shall identify shared repositories, shared databases, and shared drives reasonably likely to contain discoverable information.

(d) Asbestos Containing Products. The Debtors shall provide information about the asbestos-containing products that are the subject of the Estimation Proceeding: product name, other product name(s), year(s) manufactured containing asbestos, type and use of product, formulation, type(s) and source(s) of asbestos contained, manufacturing facilities location(s), date first sold by Old Trane or Old IRNJ, date last sold by Old Trane

² “Non-custodial data sources” means systems or containers that store information that the Debtors do not, and their predecessors “Old Trane” and “Old IRNJ” did not, organize, manage, or maintain.

or Old IRNJ, site or location if known, serial number, photograph or other identifying information, names of all distributors and installers, copies of all purchase and sales records regarding products, and all testing records.

4. The Parties shall serve preliminary disclosures of the identities of fact witnesses they plan to call in their cases-in-chief no later than 90 days following the entry of this Order. These disclosures shall be timely supplemented on a rolling basis until 90 days before the completion of written discovery date. Following this latter date, no further supplements will be permitted without permission of the Court; *provided, however*, to the extent that any written discovery directed to a Party has not been completed, the Party propounding such discovery shall have 30 days from completion of the discovery to supplement these disclosures with individuals identified by reason of such discovery responses.

5. The Parties shall serve preliminary disclosures of the subjects of expert testimony and fields of expertise (but not the experts' identities) for their respective cases-in-chief no later than 90 days following the entry of this Order and final disclosures of the subjects of expert testimony, fields of expertise, and identity of each expert for their respective cases-in-chief on a rolling basis until 90 days before the completion of written discovery date. The Parties shall serve preliminary disclosures of the subjects of expert testimony and fields of expertise for their respective rebuttal cases no later than 120 days following the entry of this Order and final disclosures of the subjects of expert testimony, fields of expertise, and identity of each expert for their respective rebuttal cases on or before 60 days before the completion of written discovery date.

6. The limitations on discovery found in Civil Rules 30, 31, and 33, made applicable to this contested matter by Bankruptcy Rules 7030, 7031, 7033, and 9014, are hereby expanded as

follows: (a) each Party may take up to 30 fact witness depositions noticed pursuant to Civil Rules 30 and 31;³ and (b) each side may serve no more than 50 interrogatories, including all discrete subparts. The Parties reserve the right to modify, either through stipulation or further order from this Court, (a) the number of depositions permitted under Civil Rules 30 and 31 and this Order or (b) the number of interrogatories permitted by Civil Rule 33 and this Order.

7. Each Party may serve interrogatories, requests for production of documents, or requests for admission, on any other Party (collectively “Written Discovery”) and non-party discovery (including requests made by subpoenas *duces tecum*) (“Non-Party Discovery”) at any time after the initial disclosure deadline subject to the Civil Rules and Bankruptcy Rules applicable to contested matters and any deadlines for Written Discovery established by this Order.

8. Not less than 90 days before the completion of Written Discovery, the Debtors shall identify all resolved mesothelioma claims against Old Trane, Old IRNJ, or the Debtors (i) for which the Debtors contend that the plaintiff’s identification of Old Trane’s or Old IRNJ’s product was false, incomplete, or misleading, (ii) for which the Debtors contend that the plaintiff did not disclose, or did not fully disclose, their potential exposure to asbestos-containing products of other manufacturers, (iii) for which the Debtors contend that the plaintiff did not disclose, or did not fully disclose, claims made to asbestos personal injury trusts, (iv) that the Debtors (or any counsel or expert for the Debtors) have reviewed to date in connection with this Estimation Proceeding, and (v) that the Debtors’ counsel or experts have requested.

9. Completion of Written Discovery. All Written Discovery shall end no later than 365 days after the Parties exchange their Initial Disclosures.

³ Timing and scheduling of fact witnesses, including any additional productions from such fact witnesses, will be addressed in a separate case management order.

10. Within 10 days of service of a written response to a request for production, the Parties shall meet and confer concerning an estimated time for substantial completion of any responsive document production.

11. Any motion to compel or other motions directed at compliance with Written Discovery must be served no later than 60 days after the completion of Written Discovery date.

12. To the extent any motions directed at compliance with Written Discovery, whether in this Court or other courts, remain pending, or to the extent any additional responses to Written Discovery resulting from orders, whether in this Court or other courts, remain outstanding after the deadlines set forth in Paragraph 7, this Court will extend the deadlines set forth in Paragraph 7.

13. A schedule for fact witness depositions and associated productions; expert reports, depositions, and associated productions; and the estimation trial and related pretrial activities will be set by the Court after completion of Written Discovery.

14. Upon a showing of good cause by any Party, after notice and hearing, the Court may alter or extend any of the deadlines specified herein.

15. This Court shall retain jurisdiction to hear and determine all matters involving the interpretation, implementation, or enforcement of this Order.

This Order has been signed electronically.
The Judge's signature and Court's seal appear
at the top of the Order.

United States Bankruptcy Court

**THE 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
	:	
Debtors.	:	
	:	

JOINT DISCOVERY PLAN AND REPORT (ESI PROTOCOL) FOR ESTIMATION

Aldrich Pump LLC and Murray Boiler LLC (“Debtors”), the Official Committee of Asbestos Personal Injury Claimants (the “Committee”), Joseph W. Grier, III, the Legal Representative for Future Asbestos Claimants (the “FCR”), Trane U.S., Inc. (“New TUI”), and Trane Technologies Company LLC (“New TTC” and, together with the Debtors, the Committee, the FCR, and New TUI, the “Parties,” or each individually a “Party”) through their attorneys, agree that the following Joint Discovery Plan and Report (ESI Protocol) (the “Discovery Plan”) will govern discovery of electronically stored information (including scanned hard-copy documents) (“ESI”) in connection with the estimation proceeding (the “Estimation Proceeding”) and the appended *Proposed Case Management Order for Estimation of Certain Mesothelioma Claims* (the “Proposed Case Management Order”) as a supplement to any other applicable rules and orders of the Court:

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.

1. **Cooperation:** The Parties will cooperate in good faith throughout the discovery process in this action. The Parties recognize that discovery of ESI is governed by the proportionality standard set forth in Federal Rule of Civil Procedure 26.
2. **Search and Identification of ESI:** In responding to requests for the production of documents² and things, the Parties will meet and confer about methods to search ESI for documents that will be reviewed for responsiveness, privilege, confidentiality, and production.
 - 2.1. Custodians: In response to requests for production, each Party shall search the electronic files where practicable, and the hard-copy documents of current and/or former employees or other individuals whose electronic files or documents are in the Party's possession, custody, or control (each a "Custodian").
 - 2.1.1. Identification of Custodians: Within 15 days of entry of a Case Management Order, the Parties shall meet and confer to determine Custodians likely to have discoverable,³ responsive, non-duplicative documents or communications. The Parties will negotiate in good faith to reach agreement as to the number and identity of custodians whose ESI will be searched in the Estimation Proceeding. The Parties will meet and confer in good faith concerning the identification of Custodians. After reaching agreement concerning the number and identity of Custodians, the Parties, nonetheless, may request searches of the custodial data of additional Custodians if, in their view,

² For the purposes of this Discovery Plan, "Document" shall have the meaning set forth in Federal Rule of Civil Procedure 34 but shall exclude Documents that the Parties agree are not reasonably accessible as described in Section 2.1.3.

³ "Discoverable," as it is used here, is not intended to suggest that the Parties will not propose custodians whose data may include privileged information. The Parties contemplate reviewing custodial data for privilege and producing non-privileged documents.

it becomes apparent that other such Custodians likely have responsive documents. The Parties will meet and confer in good faith regarding such request. If the Parties are unable to resolve any dispute regarding Custodian designation, whether concerning number or identity, the Requesting Party may seek relief from the Court.

2.1.2. Identification of Search Terms: The Parties shall meet and confer to develop search terms to be applied to identify and limit the volume of custodial ESI to be reviewed for responsiveness. Search terms shall be applied to custodial ESI and Shared Repositories⁴ as appropriate. In the event the search terms identified return an unmanageable volume of ESI for review, the party responding to a request for production (the “Responding Party”) reserves the right to propose modifications to the proposed terms and will meet and confer with the party issuing the request for production (the “Requesting Party”) regarding such a change. As specified in Section 2.5 and its subparts, the Parties may use certain other search methods and analytics tools to manage the volume of ESI for review.

2.1.3. Not Reasonably Accessible ESI: The Parties agree that they will work cooperatively on determining what ESI is reasonably accessible and what is not and agree to respond to reasonable requests for information on ESI management in that effort. Electronic documents of limited accessibility may include those created or used by electronic media no longer in use, maintained in redundant electronic storage media, or for which retrieval involves substantial cost. For purposes of this

⁴ See Section 2.2 “Shared Repositories and Drives.”

Paragraph, the Parties agree that the following sources of ESI are not reasonably accessible:

- Data stored in a backup system for the purpose of system recovery or information recovery, including, but not limited to: disaster recovery backup tapes and media; continuity of operations systems; and data or system mirrors or shadows.
- Voicemail recordings.
- Mobile devices and ESI or other data stored on mobile devices, including smart phones or tablets,⁵ subject to each custodian certifying under penalty of perjury either (a) that they do not use a tablet for business purposes, including, but not limited to, taking notes or the creation or editing of documents, or (b) if they use a tablet for business purposes, that all data used for such purposes is otherwise stored in the Responding Party's systems and will be collected from another source.
- Instant/Chat Messaging.
- Legacy Data (*e.g.*, data stored on floppy discs).
- Deleted, erased, or overwritten computer files, whether fragmented or whole, which were deleted in the regular course of business.

⁵ For the avoidance of doubt, "Mobile devices" does not include laptop computers.

- Data stored in Random Access Memory (“RAM”), cache memory, or in temporary or cache files, including internet history, web browser cache, and cookie files, wherever located.
- Encrypted data/password protected files, where the key or password cannot be ascertained absent extraordinary efforts.
- Data stored on printers, photocopiers, scanners, and fax machines.
- Data stored as server, system, or network logs.

2.2. Shared Repositories and Drives: The Parties shall, in good faith and using reasonable measures, identify and search shared repositories, shared databases, and shared drives reasonably likely to contain discoverable documents or communications (each a “Shared Repository”).

2.3. Date Scope: The Parties agree to meet and confer in good faith to determine the appropriate date range to search Custodian files and Shared Repositories for documents and information responsive to discovery requests in this Estimation Proceeding.

2.4. Preservation Obligations: Nothing in this Discovery Plan shall affect the Parties’ respective preservation obligations imposed by rule or law.

2.5. Use of Other Review Analytics: The Parties may use other reasonable review analytics or tools, including but not limited to de-duplication, e-mail threading, inclusiveness-only review and production, and technology-assisted review to streamline the review of ESI, to the extent that those review analytics and tools are consistent with other provisions in the

Discovery Plan, including provisions relating to the Form of Production (Section 3 below).

Those review and analytics tools used by any Party for culling ESI, as set forth in section 2.5.1, shall be disclosed to the other Party. Those analytics and tools used for non-culling purposes need not be disclosed.

2.5.1. Use of Predictive Coding, Clustering, or Technology Assisted Review: In the event a Responding Party employs culling tools, such as predictive coding, clustering, or Technology Assisted Review, to remove from review documents otherwise identified using the search terms and date range referenced herein, the Responding Party shall advise the Requesting Party of its intention and provide the Requesting Party with a statistical sample of documents it intends to use to seed the process in the case of predictive coding, or the search parameters that the Responding Party intends to use. Within 5 business days of being notified of the Responding Party's intention to use predictive coding or other analytic tools listed in this paragraph, the Requesting Party may object in writing. In the event of an objection, the Parties will meet and confer and attempt to reach resolution. If no resolution is met, the Parties may raise this issue with the Court.

3. **Form of Production:** The Parties agree to produce responsive non-privileged ESI in the manner set out in this Discovery Plan. The Parties agree to take reasonable steps not to degrade the searchability or legibility of ESI as part of the document review and production processes. Additionally, if particular responsive ESI warrants a format different than those set out below, the Parties will meet and confer in an effort to agree to a mutually acceptable format.

- 3.1. Format for ESI: The Parties shall produce responsive non-privileged ESI in the format set out in **Exhibit A** hereto unless otherwise agreed in writing or ordered by the Court.
- 3.2. Format for Electronically Scanned Hard Copies: To the extent practicable, the Parties shall produce electronically scanned hard-copy documents in the applicable format set out in Exhibit A unless otherwise agreed in writing or ordered by the Court. In particular, the Parties shall format such documents with optical character recognition, or OCR, as described in Exhibit A and include the metadata fields identified in Exhibit A where that metadata is available.
- 3.3. Family Production: The Parties shall produce documents and e-mail communications as complete families as is reasonably practicable. The Parties shall not take steps to dissociate attachments to e-mails or other documents from parent e-mails or documents even if the attachments are exact duplicates of other documents in the production. Parent documents and any attachments shall be assigned sequential Bates numbers. If a responsive, non-privileged e-mail or document has a privileged attachment, a Party may replace the attachment with a Bates-numbered slip-sheet indicating that the attachment was withheld on privilege grounds or may redact the privileged material.
- 3.4. E-mail Threading: The Parties agree that e-mail threading and inclusiveness-only review and production may be applied to production documents such that only the most inclusive version of any responsive, non-privileged e-mail chain is produced, *provided that* the e-mail-threading process is performed by an e-discovery vendor in a manner consistent with standard practices in the industry and that all independent responsive, non-privileged branches of the chain are produced.

3.5. Global Deduplication: The Parties agree that automated document de-duplication may be applied across ESI identified for review and production such that only one copy of any responsive, non-privileged document is produced, provided that the de-duplication process is performed by an e-discovery vendor in a manner consistent with standard practices in the industry. Further, de-duplication shall be performed only at the document family level such that attachments are not de-duplicated against identical stand-alone versions of such document and vice versa.

3.5.1. Related Metadata: If a Party opts to apply document de-duplication, that Party shall include in its production “Other Custodian” metadata or some other field, to the extent practicable, indicating each Custodian who appears from the available ESI to have maintained a copy of the produced document in his or her files (where such copy was removed from production through the de-duplication process).

4. **Privilege Logs**: As set forth in Paragraph 4.1 or 4.2 below, as applicable, within 45 days of each production, the Responding Party shall provide a privilege log identifying each responsive document withheld in whole or in part (i.e., redacted) on the basis of privilege. A Responding Party shall use reasonable measures, consistent with applicable law, to include information in their respective privilege logs sufficient to permit the Requesting Party to assess any privilege claims.

4.1. Document by Document Privilege Log: Except to the extent a document is permitted to be included in a categorical log, as provided below, a Responding Party shall include in their respective privilege logs specific facts concerning each document that, if credited, would establish each element of the privilege or protection asserted and sufficient facts

concerning the subject matter of the document to permit the Requesting Party to assess each privilege or protection asserted. The Parties shall provide in their respective privilege logs at least the information identified in **Attachment B** hereto, unless otherwise agreed by the Parties in writing or ordered by the Court.

4.2 **Categorical Privilege Log**: To the extent a document withheld in whole or in part falls within the document categories identified in Categories 1-9 below, as may be amended by agreement of the Parties, a Responding Party may provide categorical privilege logs, as opposed to a document by document privilege log. A Responding Party shall also provide the information set forth on **Attachment C** for each document included on a categorical privilege log.

- **Category 1**: Confidential non-final drafts of standard interrogatory requests prepared by outside counsel for Old IRNJ or Old Trane for the purpose of defending asbestos-personal injury claim asserted against Old IRNJ or Old Trane by [claimant first and last name] on [date].
- **Category 2**: Confidential non-final drafts of motions to compel production of responses to interrogatory responses regarding identification of [claimant first and last name's] exposure to other asbestos products prepared by outside counsel for Old IRNJ or Old Trane for the purpose of defending asbestos-personal injury claim asserted against Old IRNJ or Old Trane by [claimant first and last name] on [date].
- **Category 3**: Confidential [memorandum, email communication, summary, or analysis] prepared by [name of counsel] regarding [claimant first and last

name's] exposure to [Old IRNJ or Old Trane's or other entities'] asbestos containing products.

- Category 4: Confidential [memorandum, email communication, summary, or analysis] prepared by [name of counsel] regarding medical science issues for purpose of asbestos-personal injury claim asserted against Old IRNJ or Old Trane by [claimant first and last name] on [date].
- Category 5: Confidential email communications among outside counsel for Old IRNJ or Old Trane and personnel for Old IRNJ or Old Trane made for the purpose of [obtaining legal advice or reflecting legal advice regarding] [evaluation of or potential settlement of] the asbestos-personal injury claim(s) asserted against Old IRNJ or Old Trane by [claimant(s) first and last name] on [date].]
- Category 6: Confidential compilation of otherwise non-privileged documents prepared by outside counsel between [date] and [date] for the purpose of defending asbestos-personal injury claim asserted against Old IRNJ or Old Trane by [claimant first and last name] on [date] and withheld solely on the basis that the attorneys' selection of the documents for inclusion in the compilation constitutes work product.
- Category 7: Confidential email communications among outside counsel for Old IRNJ or Old Trane and personnel of Old IRNJ or Old Trane and outside counsel for [[name of entity(ies) counsel represents] made for the purpose of [obtaining legal advice or reflecting legal advice] regarding identification

of [claimant first and last name's] exposure to other asbestos products made pursuant to the common interest agreement dated [date] between and among Old IRNJ or Old Trane, [name of entity(ies)], in furtherance of Old IRNJ or Old Trane and [name of entity(ies)] joint medical science defense, and for the purpose of defending asbestos-personal injury claim asserted against Old IRNJ or Old Trane and [name of entity(ies)] by [claimant first and last name] on [date].

- Category 8: Confidential email communications among outside counsel for Old IRNJ or Old Trane and personnel of Old IRNJ and Old Trane and outside counsel for [name of entity(ies) counsel represents] made for the purpose of [obtaining legal advice or reflecting legal advice] related to medical science related defense, and for the purpose of defending asbestos-personal injury claim asserted against Old IRNJ or Old Trane and [name of entity(ies)] by [claimant first and last name] on [date].
- Category 9: Confidential email communications among outside counsel for Old IRNJ or Old Trane and personnel of Old IRNJ and Old Trane and outside counsel for [name of entity(ies) counsel represents] made for the purpose of [obtaining legal advice or reflecting legal advice] related to tort reform.

4.3 Players' List. The Responding Parties will provide a detailed listing of all individuals appearing on the privilege log. This will identify the individual by organization and include the following information: title within the organization, date(s) of employment, e-

mail addresses appearing on the privilege log (including any personal e-mail addresses), user names appearing on the privilege log.

4.3. Privilege Redactions: Where requested documents contain responsive information together with privileged or protected information and the privileged or protected information can be redacted by the Responding Party without undue burden and while preserving for production the responsive information, the Responding Party shall apply such redactions and produce the requested documents. The word “Redacted - Privileged” shall appear over the redacted portion or portions of such documents.

4.4 Common Interest Assertions If a Responding Party raises common interest or joint defense as a privilege/protection type on the privilege log, the Responding Party must describe specific facts sufficient to make a prima facie showing of the applicability of the common interest or joint defense protection, including at least the identification of: (a) the parties to the common interest or joint defense arrangement, (b) whether it is a written, oral, or implied arrangement, (c) the date the common interest began or the common interest agreement was created and/or effectuated, and (d) the specific common legal interest(s) and joint legal objectives, and (e) specific facts concerning the subject matter of the document with sufficient particularity to demonstrate that the document was exchanged for the purpose of furthering a joint legal objective shared by all persons with whom the document was shared.

5. **Personal Identifying Information:** Where requested documents contain responsive information together with personal identifying information (including, but not limited to, social security numbers, bank account numbers, and residential addresses) and the personal

identifying information can be redacted by the Responding Party without undue burden and while preserving for production the responsive information, the Responding Party shall apply such redactions and produce the requested documents. A black bar shall appear over redacted portion or portions of such documents. The Responding Party shall not be required provide a log for documents redacted for personal identifying information.

6. **Scope of Discovery:** Nothing in this Discovery Plan constitutes an agreement regarding the appropriate substantive scope of discovery, the responsiveness of any document or category thereof, or the relevance or admissibility of any document or category thereof. The Parties reserve all objections as to discoverability, relevance, authenticity, use, and admissibility.
7. **Resolution of Disputes:** The Parties agree to meet and confer in good faith regarding matters related to the production of ESI set forth in this Discovery Plan, the production of ESI not set forth in this Discovery Plan, and the Parties' obligations, if any, in respect of both. If a Responding Party determines that it cannot comply with any material aspect of this Discovery Plan, such Party shall promptly inform the Requesting Party why compliance is impracticable.
 - 7.1 Discovery-Related Motions: If the Parties are unable to resolve a dispute concerning interpretation of or compliance with this Discovery Plan or the production of ESI, whether or not pursuant to this Discovery Plan, the Parties shall submit the dispute to the Court for adjudication, provided that the Parties have previously met and conferred regarding the dispute. Nothing herein shall affect the Parties' respective burdens of proof or persuasion in connection with any motion or dispute submitted for resolution by the Court. All motion papers under Bankruptcy Rules 7026-37 and 9016 shall be filed and served so as

to be received at least 12 days before the hearing date on such motion. When service is made for a discovery-related motion under this Discovery Plan, any objection shall be filed and served so as to be received at least 5 business days before the hearing date, and any reply shall be filed and served so as to be received at least 2 business days before the hearing date.

8. **No Waiver:** Nothing in this Discovery Plan, including any meet-and-confer obligation specified, constitutes a waiver of any privilege or protection available by law, including any Party's attorney-client privilege or the protection afforded to work product and trial preparation materials. Inadvertent production of information subject to a claim of privilege or protection similarly will not constitute a waiver of such privilege or protection, as is and will be governed by that certain agreed protective order by and among the Parties.
9. **Modifications:** The Parties may, by agreement, modify any provision in this Discovery Plan. Further, if the Parties are unable to agree regarding a proposed modification, the Party requesting the modification may seek relief from the Court.

IT IS SO ORDERED.

Date: _____

J. CRAIG WHITLEY
UNITED STATES BANKRUPTCY JUDGE

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REPRESENTATIVE

EXHIBIT A

To

JOINT DISCOVERY PLAN AND REPORT (ESI PROTOCOL)

The Parties¹ shall produce responsive non-privileged ESI in the following format unless agreed otherwise or pursuant to an order of Court:

1. ESI should be produced in Concordance, Opticon, or universal format.
2. **TIFFs.** Bates-branded, black and white, Group 4, single page TIFF files at 300 dpi, named according to sequential Bates number will be produced for all ESI documents except spreadsheet file types (*e.g.*, .xls, .xlt, .xml), database file types (*e.g.*, .csv), and software code file types. All presentation file types (*e.g.* .ppt, .pptx, .pptm) will be produced in color, showing speaker notes. Single-page TIFF files will be delivered in unique sequentially numbered folders (*i.e.*, 001, 002, 003) and each folder shall not consist of more than 5,000 images. JPG format may be used for pages that require production of color images. If a document was not produced in color and a Party deems color necessary to understand the document, they may request a color image or native form of that document. All image files should cross reference to both the log file for Opticon image base (.OPT) and Concordance delimited text file (.DAT). For word-processing file types other than e-mail (*e.g.* .doc), corresponding TIFF files will reflect any track changes or comments contained in the underlying word-processing documents. If a document is more than one page, the unitization of the document and any attachments and/or affixed note shall be maintained as it existed in the original when creating the image file.

¹ Unless otherwise provided herein, this Exhibit A adopts the capitalized terms as defined in the Discovery Plan appended hereto.

3. **TIFF Reference File.** A log file for Opticon image base (.OPT) that lays out the document unitization of each discrete document will be produced.
4. **Native Format.** Spreadsheet file types and database file types will be produced in native format. The Parties will provide native files, named according to ProdBegDoc, in a separate folder and provide the path to the native file in the DocLink field of the .DAT file. Documents produced in native file format shall be produced in the manner such files were maintained electronically in the ordinary course of business. A placeholder TIFF shall be produced indicating the Bates number of the native file and confidentiality designation, if applicable. In the event any document produced in native format is to be used as an exhibit at deposition, trial or otherwise, the Parties may request that the Party using such exhibit provide the MD5 programmatic hash value of the underlying electronic file from which the exhibit is derived to be provided to all Parties, and such information should be provided promptly.
 - 4.1. **Other File Formats.** Non-document files types (*e.g.*, .wav, .mp3, .aiff, .avi, .mov, .mp4) will be produced in native format with accompanying slip sheet.
 - 4.2. **Request for Natives.** The parties reserve the right to request native files for individual ESI documents produced in TIFF format.
 - 4.3. **Redactions to Native Format.** To the extent redactions are necessary in a document to be produced in native form, and the ability to remove such redactions cannot practicably be prohibited in native form, the document may be converted to TIFF format, or some comparable image file type, for redaction. To the extent that such conversion erodes the legibility or significant functionality of a document, the Parties agree to meet and confer

in good faith to determine how such document can be produced without those limitations, to the extent practicable, and while still protecting the redacted information.

5. **Hard Copy Documents.** Hard-copy or paper documents should be converted to Group IV, single page TIFF format image files. All hard copy paper documents shall be logically unitized prior to production. Therefore, when scanning or producing paper documents, distinct documents shall not be merged into a single file or database record, and distinct documents shall not be split into multiple files or database records. All Parties shall make their reasonable best efforts to unitize documents correctly and include sufficient metadata to identify the manner in which the information was stored in the ordinary course of business (e.g., file box, file folder, notebook, binder) and preserve the family relationships (e.g., the documents in a notebook or binder).
6. **Extracted Text Files.** For each item of ESI, and any hard-copy or paper document that has been converted to TIFF image file, document level TXT files should be provided in a separate folder and should have file names that are identical to the first TIFF image file of the corresponding images for a document. To the extent practicable, text from native files should be extracted directly from the native file, except that, where redaction is necessary for a document to be produced in native format, the text file corresponding to such document may be extracted from the OCR of the redacted image file (as opposed to from the native file). Redactions shall be reflected in the multipage TXT file containing OCR for searching purposes.

7. **Unique IDs.** Each TIFF image shall have a unique, sequential Bates number. Each Native file shall have a unique, sequential Bates number applied to the TIFF placeholder indicating that the file has been produced in native format.
8. **Metadata.** Where available, the Parties shall produce the following metadata fields for all ESI and scanned hard-copy or paper files produced, in an ASCII delimited text file (.DAT), using standard Concordance delimiters:

Preferred Field Name	Description	Example
ProdBegDoc	Start Bates value.	ABC0500
EndBegDoc	End Bates value.	ABC0500
ProdBegAtt	Start Bates of first attachment.	ABC0501
ProdEndAtt	End Bates of last attachment.	ABC0503
ImageCount	Total pages in document.	1
TO	Email TO recipients.	Mary Smith; Tjones
FROM	Email sender (author).	Doe, John
CC	Email CC recipients.	Some User
BCC	Email BCC recipients.	Johnson, M.
Subject	Email subject line.	Your subject line
DateCreated	The date the file/email was created.	4/1/2003
TimeCreated	The time the file/email was created.	8:12:32 AM
DateSent	The date the email was sent.	4/1/2003
TimeSent	The time the email was sent.	8:12:32 AM
DateReceived	The date the email was received.	4/1/2003
TimeReceived	The time the email was received.	8:12:32 AM
DateModified	The date the file/email was last saved.	4/1/2003
TimeModified	The time the file/email was last saved.	8:11:32 AM
System Last Modified On	The date the record was last reviewed.	2/20/2004
FileExt	Extension of the file.	.doc
Filename	The name of the file.	Filename.doc
FileSize	The size of the file or message in bytes.	802
DocType	The file type determined by the file signature (Excel, Word etc.).	Microsoft Office Word
MD5HASH		

Preferred Field Name	Description	Example
Custodian	The Custodian associated with the item.	Doe, John
Other Custodians	All custodians who retained a duplicative copy of the file in their ESI files, to the extent that copy was removed by de-duplication.	Doe, John; Doe, Jane; Smith, Mary
DocLink	The relative path to the associated native file.	\export\00000000000003E8.xls
ExtractText	The extracted text for an item. This field will populate with the path to the text file location and the text will be delivered separately.	“This is sample text. It can be extracted from a document or email or can be generated when converting to TIFF format.”
Production: Has Redactions	Indicates a document contains redaction for privilege or other protection	Yes
Privilege Redaction	For documents containing both privileged and non-privileged information with <u>only</u> the privileged information redacted	Privilege Redaction
Personal Information Redaction	For documents containing redactions of personal information required to be redacted for filings pursuant to Bankruptcy Rule 9037	Personal Information Redaction
Privilege Designation	Indicates document(s) withheld for privilege or other protection	Privilege Withhold
Privilege Slip Sheet	To be used <u>only</u> for documents in a family that reflect <u>only</u> privileged information	Withheld Entirely for Privilege
Confidentiality	Confidentiality designation pursuant to protective order	Professional Eyes Only; Confidential; None

ATTACHMENT B

1. **Privilege Log Requirements:** The Responding Party (or Responding Parties)¹ shall provide the following information for each document withheld on the grounds of privilege or protection from disclosure and for all information withheld on the grounds of privilege or protection from disclosure by use of redactions.

Preferred Field Name	Description	Example
Parent/Child	Identifying whether a document is the parent document or child document in a family.	Parent; Child
Bates or Privilege Log Numbers for Other Documents in Family	Information sufficient to enable recipient to locate the parent, child and/or sibling documents on the log or in the productions.	PLID_0000010 or [Bates Prefix]_0000010
ProdBegDoc	Start Bates number for redacted documents.	[Bates Prefix]_0000500
EndAtt ID or ProdEndAtt	End identifier value of last attachment. Bates number for redacted documents.	[Bates Prefix]_0000503
DocType	The file type (Excel, Word, PowerPoint, Email, PDF, etc.).	Microsoft Office Word
Author	Author of the withheld information.	Doe, Jane
Recipients	Identifying all known actual recipients of the withheld information whether identified on the face of the document or not.	Doe, Jane; Doe, John
TO	Email TO recipients.	Smith, Mary; Doe, Jane
FROM	Email sender (author).	Doe, John
CC	Email CC recipients.	Jones, Thomas
BCC	Email BCC recipients.	Johnson, Mary

¹ Unless otherwise provided herein, this Attachment B adopts the capitalized terms as defined in the Discovery Plan appended hereto

Preferred Field Name	Description	Example
Other Authors/Recipients	All other authors and recipients appearing on an email chain.	Johnson, Mary (author, 2/2/2022, 9:05 a.m.); Doe, John (recipient, 2/2/2022, 9:05 a.m.)
Date	For documents other than emails, the date and time the file was created; For a single email, the date and time the email was received by the custodian; For an email chain, the dates and times of the first email and the last email in the chain.	4/1/2003 8:12:32 AM
Subject / Document Title	For emails, the subject line of the email including “re” or “fwd” as applicable; For documents other than emails, the title of the document including the file type signature.	Re: Settlement Conditions Fwd: Settlement Considerations Motion to Compel Draft 2.2.2022.docx
Emails	Number of emails in chain	3
Pages	Number of pages of information withheld.	20
Custodian	The specific custodian from which the document was collected.	Doe, John
Other Custodians	All custodians who retained a duplicative copy of the file in their ESI files, to the extent known.	Doe, John; Doe, Jane; Smith, Mary
Redacted or Withheld	Identifying whether a document was withheld in its entirety or produced with redactions.	Produced with Redactions or Withheld Entirely
Privilege / Protection Type	Privilege and/or protection asserted.	Attorney-Client Privilege, Trial Preparation Material

Preferred Field Name	Description	Example
Description	<p>Specific facts concerning the nature and contents of the information withheld, the purpose of the preparation of the document or communication, the confidential nature of the document, and the relationships of the authors/recipients that, if credited, would establish each element of each privilege or protection asserted.</p> <p>See also specific information required for common interest/joint defense in Paragraph 3 below.</p>	<p>Confidential communication from Old IRNJ or Old Trane [in-house counsel/outside defense counsel], [name], attorney at [firm], to Old IRNJ or Old Trane [title], [name] reflecting legal advice regarding request for authority to settle asbestos-personal injury claim asserted by [name of claimant];</p> <p>Confidential draft motion to compel production of responses to discovery requests regarding exposure to other asbestos productions prepared by [in-house counsel/outside defense counsel], [name], attorney at [firm], for the purpose of litigation of the asbestos-personal injury claim asserted by [name of claimant].</p>
Identification of Attorney(s) on E-mail	The specific attorney(s) appearing in a list of recipients will be specifically identified using an asterisk. Non-attorney legal personnel shall NOT be identified with an asterisk.	Doe, John*

ATTACHMENT C

1. **Privilege Log Template.** A Responding Party shall include the following fields in their respective categorical privilege logs:

Field Name	Description	Examples
Log Category ID No.	Log Category ID No.	[Log Prefix]_00000001
Starting Date/Time	Earliest date and time of the documents included in the category	1/1/2020 6:00 AM
Ending Date/Time	Latest date and time of the documents included in the category	1/31/2020 6:00 PM
Bates Numbers	Bates numbers for all documents produced with redaction of information in the category	[BATES Prefix]_00000001 - [BATES Prefix]_00000010; [BATES Prefix]_00000500; [BATES Prefix]_00502050
Document Types	All types of documents included in the category	email, email chain, word processing document, Excel spreadsheet, PowerPoint presentation, pdf, hard copy
Privileges Asserted and Volumes	All privileges asserted and the number of documents in the category for which each privilege is asserted	Attorney Client Privilege (10); Attorney Client Privilege/Common Interest (3); Attorney Client Privilege/Work Product Doctrine/Common Interest (5)
Nature of the Documents	Detailed description of the nature of the documents included in the category with specific facts sufficient to enable assessment of each assertion of privilege	See paragraph 4 of Joint Discovery Plan and Report for examples.
Subject Lines / Document Titles / File Names	All Subject Lines (for emails) / Document Titles (for hard copy documents) / File Names (for electronic documents) in the category (with redactions only as necessary to preserve privilege)	Re: Request for Authorization; Fwd: Request for Authorization; Re: Research for Potential Legal Argument that [REDACTED]; Report on Tort Reform; Memorandum of Settlement Considerations.pdf; Draft Request for Authorization.doc; Draft Interrogatory Requests to Plaintiff.doc; claims analysis.xls

Field Name	Description	Examples
Authors	All authors of the withheld information with attorneys for the Debtors, Old IRNJ, or Old Trane identified with an asterisk; attorneys for third parties with whom common interest is asserted identified with double asterisk; not to include authors of the unredacted portion of a document produced with redactions	Attorney John Doe* Attorney Jane Doe** Paralegal Mary Doe Legal Assistant Joe Doe
Recipients	All recipients of the withheld information with attorneys for the Debtors, Old IRNJ, or Old Trane identified with an asterisk; attorneys for third parties with whom common interest is asserted identified with double asterisk; not to include recipients of the unredacted portion of a document produced with redactions or intended recipients of unsent draft documents	Attorney John Doe* Attorney Jane Doe** Paralegal Mary Doe Legal Assistant Joe Doe
Third Parties / Relationships	All authors/recipients of withheld information who are not Aldrich, Murray, Old IRNJ, or Old Trane employees, agents, and/or outside counsel and their relevant relationships	Attorney Jane Doe** (as counsel for Honeywell, Inc.) Michael Doe (CEO of Honeywell, Inc.)