

OFFICIAL COMMITTEE OF ASBESTOS
PERSONAL INJURY CLAIMANTS OF
ALDRICH PUMP LLC AND MURRAY
BOILER LLC, by and through its
undersigned counsel, plaintiff.

OFFICIAL COMMITTEE OF ASBESTOS
PERSONAL INJURY CLAIMANTS OF
DBMP LLC, by and through its undersigned
counsel.

SANDER L. ESSERMAN, in his capacity as
Legal Representative for Future Asbestos
Claimants of DBMP LLC, by and through his
undersigned counsel.

November 28, 2022

VIA ECF and by EMAIL

Hon. J. Craig Whitley
United States Bankruptcy Court
401 W. Trade Street, Suite 2401
Charlotte, NC 28202

Re: ***In re Aldrich Pump LLC, et al.***,¹ Case No. 20-30608 (JCW) (the “**Bankruptcy Case**”); Adv. Pro. No. 21-03029 (JCW) (the “**SubCon Proceeding**”); Adv. Pro. No. 22-03028 (JCW) (the “**Fraudulent Transfer Proceeding**”); and Adv. Pro. No. 22-03029 (JCW) (the “**Fiduciary Duty Proceeding**” and, together with the SubCon Proceeding and the Fraudulent Transfer Proceeding, the “**Adversary Proceedings**”)

Dear Judge Whitley:

Late on the eve of Thanksgiving, the undersigned received a lengthy letter² from the Defendants³ in the above-captioned Adversary Proceedings.

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) (hereinafter the “**Debtors**”). The Debtors’ address is 800-E Beaty Street, Davidson, North Carolina 28036.

² Case No. 20-30608, ECF No. 1428; Adv. Pro. No. 21-03029, ECF No. 107; Adv. Pro. No. 22-03028, ECF No. 25; Adv. Pro. No. 22-03029, ECF No. 21.

³ The Defendants are comprised of Aldrich Pump LLC, Trane Technologies Company LLC, Murray Boiler LLC, Trane U.S. Inc., Ingersoll-Rand Global Holding Company Limited, Trane Technologies HoldCo Inc., Trane Inc., TUI Holdings Inc., Murray Boiler Holdings LLC, and Trane Technologies plc, as well as 13 individual defendants to the Fiduciary Duty Proceeding. The individual defendants to the Fiduciary Duty Proceeding are Sara Brown, Richard Daudelin, Marc Dufour, Heather Howlett, Christopher Kuehn, Michael Lamach, Ray Pittard, David Regnery, Amy Roeder, Allan Tananbaum, Evan Turtz, Manilo Valdes, and Robert Zafari.



The purported motive for Defendants' letter is that they are concerned that a ruling on the discovery plan in *DBMP*⁴ will somehow prejudice the Court with respect to some future ruling on a case management order ("CMO") in these Adversary Proceedings.⁵

This is improper for a host of reasons. First, the CMO in *DBMP* was agreed to, and subsequent limited disputes on the discovery plan in *DBMP* are not related to any CMO in these Adversary Proceedings, and therefore there is no such prejudice. Second, the Defendants in these Adversary Proceedings have not moved to intervene in *DBMP*, and therefore should not be heard in connection with the discovery plan in *DBMP*, or with respect to any ruling by the Court in *DBMP*. Third, as the Court stated at the November 16, 2022, hearing in *DBMP*, "I'll be able to make a ruling because I'm already prepared in *DBMP*, unless you throw me some real curves in the *Aldrich/Murray* case,"⁶ but no such curves are present, only a rehash of the same arguments made by the defendants in *DBMP*.⁷ And fourth, no motion for a CMO (much less a discovery plan) is pending in these Adversary Proceedings, and therefore the issues raised by Defendants are premature.

On this last point, the Defendants in these Adversary Proceedings should not be permitted to forcibly ripen discovery-related issues in the guise of a CMO not yet pending before the Court, particularly since the parties in these Adversary Proceedings have yet to even exchange initial disclosures as contemplated by Rule 26(a)(1),⁸ participate in a Rule 26(f) conference, negotiate a discovery plan contemplated by Rule 26(f), or receive discovery requests.

Put simply, the relief requested by these Defendants is not ripe for the Court's consideration. The Court should only grant such relief on a properly filed motion.⁹ Accordingly, the Plaintiff in these Adversary Proceedings has concurrently filed a motion for entry of a CMO. If the Court does wish to consider the arguments made by these Defendants in these Adversary Proceedings with respect to the Court's ruling on the discovery plan in *DBMP*, the Plaintiff to

⁴ *In re DBMP LLC*, Case No. 20-30080, Adv. Pro. No. 21-03023, Adv. Pro. No. 22-03000, and Adv. Pro. No. 22-03001.

⁵ Because the Defendants' letter in these Adversary Proceedings seeks to affect the Court's ruling on the discovery plan in *DBMP*, the Plaintiff in these Adversary Proceedings are joined in this response by the Plaintiffs in the *DBMP* matters.

⁶ *In re DBMP LLC*, Case No. 20-30080, Nov. 16, 2022, Hr'g Tr. 17:21-23. *See also id.* at 19:8-9 ("It would be useful to me if there's anything new to know ahead of time.") (emphasis added).

⁷ *See In re DBMP LLC*, Case No. 20-30080, Adv. Pro. No. 21-03023, ECF Nos. 146 (parties' joint letter) & 155 (transcript of Oct. 31, 2022 hearing); Adv. Pro. No. 22-03000, ECF Nos. 120 (parties' joint letter) & 129 (transcript of Oct. 31, 2022 hearing); Adv. Pro. No. 22-03001, ECF Nos. 95 (parties' joint letter) & 108 (transcript of Oct. 31, 2022 hearing).

⁸ References made herein to "Rule" shall refer to the relevant Federal Rule of Civil Procedure as and to the extent made applicable by certain Federal Rules of Bankruptcy Procedure.

⁹ *See* Fed. R. Bankr. P. 7007 (making Fed. R. Civ. P. 7 applicable, requiring, among other things, that "[a] request for a court order must be made by motion").

November 28, 2022

Page 3

these Adversary Proceedings incorporates arguments previously made by plaintiffs in *DBMP*,¹⁰ as well as those made in the motion for entry of a CMO in these Adversary Proceedings.

Respectfully submitted,

/s/

Glenn C. Thompson (Bar No. 37221)
Robert A. Cox, Jr. (Bar No. 21998)
HAMILTON STEPHENS STEELE
+ MARTIN, PLLC
525 North Tryon Street, Suite 1400
Charlotte, NC 28202
Telephone: (704) 344-1117
Facsimile: (704) 344-1483
Email: gthompson@lawhssm.com
rcox@lawhssm.com

Counsel to the Official Committee of Asbestos Personal Injury Claimants Aldrich Pump LLC and Murray Boiler LLC, and Counsel to the Official Committee of Asbestos Personal Injury Claimants of DBMP LLC

CAPLIN & DRYSDALE, CHARTERED
Kevin C. Maclay (admitted *pro hac vice*)
Todd E. Phillips (admitted *pro hac vice*)
Jeffrey A. Liesemer (admitted *pro hac vice*)
One Thomas Circle NW, Suite 1100
Washington, DC 20005
Telephone: (202) 862-5000
Facsimile: (202) 429-3301
Email: kmaclay@capdale.com
tphillips@capdale.com
jliesemer@capdale.com

Counsel to the Official Committee of Asbestos Personal Injury Claimants Aldrich Pump LLC and Murray Boiler LLC, and Counsel to the Official Committee of Asbestos Personal Injury Claimants of DBMP LLC

WINSTON & STRAWN LLP
David Neier (admitted *pro hac vice*)
Carrie V. Hardman (admitted *pro hac vice*)
200 Park Avenue
New York, NY 10166
Telephone: (212) 294-6700
Facsimile: (212) 294-4700
Email: dneier@winston.com
chardman@winston.com

Special Litigation Counsel to the Official Committee of Asbestos Personal Injury Claimants of Aldrich Pump LLC and Murray Boiler LLC, and Special Litigation and International Counsel to the Official Committee of Asbestos Personal Injury Claimants of DBMP LLC

ROBINSON & COLE LLP
Natalie D. Ramsey (admitted *pro hac vice*)
Davis Lee Wright (admitted *pro hac vice*)
1201 North Market Street, Suite 1406
Wilmington, DE 19801
Telephone: (302) 516-1700
Facsimile: (302) 516-1699
Email: nramsey@rc.com; dwright@rc.com

Counsel to the Official Committee of Asbestos Personal Injury Claimants Aldrich Pump LLC and Murray Boiler LLC, and Counsel to the Official Committee of Asbestos Personal Injury Claimants of DBMP LLC

¹⁰ See *In re DBMP LLC*, Case No. 20-30080, Adv. Pro. No. 21-03023, ECF Nos. 146 (parties' joint letter) & 155 (transcript of Oct. 31, 2022 hearing); Adv. Pro. No. 22-03000, ECF Nos. 120 (parties' joint letter) & 129 (transcript of Oct. 31, 2022 hearing); Adv. Pro. No. 22-03001, ECF Nos. 95 (parties' joint letter) & 108 (transcript of Oct. 31, 2022 hearing).

November 28, 2022

Page 4

/s/

Felton E. Parrish (Bar No. 25448)
ALEXANDER RICKS PLLC
1420 East 7th Street, Suite 100
Charlotte, NC 28204
Telephone: (704) 365-3656
Facsimile: (704) 365-3676
Email: felton.parrish@alexanderricks.com

*Counsel to the Legal Representative for
Future Asbestos Claimants of DBMP LLC*

James L. Patton, Jr. (DE Bar No. 2202)
Edwin J. Harron (admitted *pro hac vice*)
Sharon M. Zieg (NC Bar No. 29536)
Sean T. Greecher (admitted *pro hac vice*)
YOUNG CONAWAY STARGATT &
TAYLOR, LLP
Rodney Square
1000 North King Street
Wilmington, DE 19801
Telephone: (302) 571-6600
Facsimile: (302) 571-1253
Email: jpatton@ycst.com
eharron@ycst.com
szieg@ycst.com
sgreecher@ycst.com

*Counsel to the Legal Representative for Future
Asbestos Claimants of DBMP LLC*