

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

ARMSTRONG WORLD INDUSTRIES,  
INC. ASBESTOS PERSONAL INJURY  
SETTLEMENT TRUST *et al.*

Plaintiffs,

v.

ALDRICH PUMP LLC, *et al.*

Defendants.

Miscellaneous Proceeding

No. 22-00303 (JCW)

(Transferred from District of Delaware)

In re

ALDRICH PUMP LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 20-30608

**DEBTORS' MOTION FOR REHEARING CONCERNING THE ISSUE OF SAMPLING  
ON DCPF'S SUBPOENA-RELATED MOTIONS**

Aldrich Pump LLC ("Aldrich") and Murray Boiler LLC ("Murray"), as debtors and debtors in possession (together, the "Debtors"), hereby move the Court for rehearing on the issue of sampling relating to motions to quash filed by the Delaware Claims Processing Facility ("DCPF"), ten asbestos settlement trusts for whom DCPF processes claims (the "Trusts"),<sup>2</sup> and certain unidentified matching claimants ("Matching Claimants"), transferred to this Court from the

<sup>1</sup> 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.

<sup>2</sup> Armstrong World Industries, Inc. Asbestos Personal Injury Settlement Trust; The Babcock & Wilcox Company Asbestos PI Trust; Celotex Asbestos Settlement Trust; DII Industries, LLC Asbestos PI Trust; Federal-Mogul Asbestos Personal Injury Trust; Flintkote Asbestos Trust; Owens Corning / Fibreboard Asbestos Personal Injury Trust; Pittsburgh Corning Corporation Asbestos Personal Injury Settlement Trust; United States Gypsum Asbestos Personal Injury Settlement Trust; and WRG Asbestos PI Trust.



District of Delaware in the above-captioned matter. In support of this Motion, the Debtors respectfully state as follows:

### **PRELIMINARY STATEMENT**

1. After authorization by this Court, the Debtors served subpoenas on DCPF and the Trusts on July 5, 2022 (the "Subpoenas"),<sup>3</sup> seeking certain fields of non-confidential information in DCPF's database concerning 12,000 claimants who had asserted and resolved claims against the Debtors (the "Claims Data"). DCPF, the Trusts, and the Matching Claimants all filed motions to quash the Subpoenas (the "Motions to Quash").<sup>4</sup> On November 30, 2022, this Court issued an oral ruling, granting the Motions to Quash in part by limiting the Claims Data to be produced pursuant to the Subpoenas to a 10 percent random sample of the 12,000 claimants sought. No order memorializing this oral ruling has been entered. By this Motion, the Debtors seek rehearing on the issue of whether the response to the Subpoenas should be limited to a 10 percent sample of Claims Data, or whether DCPF should be ordered to produce all of the Claims Data responsive to the Subpoenas.

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<sup>3</sup> This Court's July 1, 2022 order acted as a rider to the subpoenas. See Order Granting Motion of the Debtors for an Order Authorizing the Debtors to Issue Subpoenas on Asbestos Trusts and Paddock Enterprises, LLC, *In re Aldrich Pump LLC*, No. 20-30608 (Bankr. W.D.N.C.) [Dkt. 1240] (July 1, 2022) (the "Aldrich Trust Order").

<sup>4</sup> See Delaware Claims Processing Facility, LLC's (I) Motion to Quash or Modify Subpoena and (II) Joinder, *Armstrong World Indus., Inc. Asbestos Pers. Inj. Settlement Tr. v. Aldrich Pump LLC*, No. 22-303 (Bankr. W.D.N.C.) [Dkt. 4-2] (Oct. 3, 2022) (the "DCPF Motion to Quash"); Third-Party Asbestos Trusts' Motion to Quash or Modify Subpoenas, *Armstrong World Indus., Inc. Asbestos Pers. Inj. Settlement Tr. v. Aldrich Pump LLC*, No. 22-303 (Bankr. W.D.N.C.) [Dkt. 3-1] (Oct. 3, 2022); Non-Party Certain Matching Claimants' (I) Motion to Quash or Modify Subpoenas and (II) Joinders, *Armstrong World Indus., Inc. Asbestos Pers. Inj. Settlement Tr. v. Aldrich Pump LLC*, No. 22-303 (Bankr. W.D.N.C.) [Dkt. 5-3] (Oct. 3, 2022); Kazan McClain Matching Claimants' Motion to Quash and Joinders in Third Party Asbestos Trusts' and Delaware Claims Processing Facility, LLC's Motions to Quash or Modify Subpoenas, *Armstrong World Indus., Inc. Asbestos Pers. Inj. Settlement Tr. v. Aldrich Pump LLC*, No. 22-303 (Bankr. W.D.N.C.) [Dkt. 5-5] (Oct. 3, 2022).

2. Over the past 18 months, this Court has resolved multiple motions attacking subpoenas directed to asbestos trusts and the claims facilities that process claims for those trusts. Many of these motions have involved subpoenas seeking Claims Data from DCPF. In addition to this case, the Court heard arguments on virtually identical subpoenas served by the debtor in *In re DBMP LLC*, No. 20-30080 (Bankr. W.D.N.C.) ("DBMP"). Judge Beyer presided over numerous hearings involving the same arguments in *In re Bestwall*, No. 17-31795 (Bankr. W.D.N.C.) ("Bestwall"). Indeed, over the course of the three cases pending in North Carolina Bankruptcy Courts, DCPF, the Trusts, the Matching Claimants have now made a total of 18 filings seeking to quash or otherwise limit subpoenas directed to them.

3. While their filings are extensive, the arguments that DCPF, the Trusts, and the Matching Claimants advanced in seeking to quash these subpoenas, and the evidence allegedly supporting those arguments, have remained essentially identical. This includes the consistent argument in all three cases that any response to the subpoenas should be limited to a 10 percent sample. The bases for this request has been similarly consistent: the alleged burden on DCPF in producing the information and the alleged confidentiality concerns relating to the information being sought. In each of the three cases, DCPF relied on a declaration of its chief operating officer, Richard Winner, to support these assertions.<sup>5</sup>

4. In *DBMP* and *Bestwall*, this Court and Judge Beyer rejected DCPF's requests to limit the debtors in *DBMP* and *Bestwall* to a 10 percent sample. Indeed, DCPF has now produced all of the information sought by *DBMP*'s and *Bestwall*'s subpoenas in those cases.

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<sup>5</sup> See Declaration of Richard Winner, *In re Bestwall LLC*, No. 17-31795 (Bankr. W.D.N.C.) [Dkt. 1323] (Sept. 4, 2020); Declaration of Richard Winner, *In re DBMP LLC*, No. 20-30080 (Bankr. W.D.N.C.) [Dkt. 867] (June 11, 2021); Declaration of Richard Winner, *Armstrong World Indus., Inc. Asbestos Pers. Inj. Settlement Tr. v. Aldrich Pump LLC*, No. 22-303 (Bankr. W.D.N.C.) [Dkt. 4-3] (Oct. 3, 2022).

5. The one outlier to this consistent approach is this Court's November 30, 2022 oral ruling on DCPF's Motion to Quash the Subpoenas in these cases, where the Court ordered, for the first time, that DCPF's response to these Subpoenas would be limited to a 10 percent sample of the Claims Data sought. In announcing its ruling, the Court indicated it was basing its decision on what it believed was a "new argument" that DCPF presented concerning the alleged burden of redacting confidential information allegedly contained in certain fields. *See* Hirst Decl. Ex. A, Nov. 30, 2022 Aldrich Trans. at 76:14–16. The Court was no doubt persuaded that it was hearing "new argument" by DCPF's counsel's representations to that effect. *See id.* at 74:15–18 ("[T]he information presented today, ... the sample I provided, the explanation I provided, has not previously been presented.").

6. But DCPF's argument was not new at all, nor is it a basis to treat the Debtors' Subpoenas any differently than the subpoenas in *DBMP* or *Bestwall*. Indeed, dating back to the October 2021 hearing in *DBMP*, counsel for DCPF made the same argument in opposing DBMP's request to issue subpoenas identical to the ones at issue here:

I think it's also important to note that Rick Winner, DCPF's COO, when he was deposed testified that in the DCPF's databases the exposure data sometimes does include personally identifiable information, names, Social Security numbers, and the only way to scrub those data is to go line-by-line through each victim before the data are produced. That is a tremendous burden. *It would, perhaps, be less of a burden if the debtor were limited to a sample.* But again, production here is not a push-button exercise.

*See* Hirst Decl. Ex. B, Oct. 21, 2021 DBMP Trans. at 152:7–15 (emphasis added).

7. This Court heard DCPF's objections in *DBMP* and overruled them. In doing so, the Court also rejected DCPF's request to limit the DBMP subpoenas to a sample. *See* Hirst Decl. Ex. C, Dec. 16, 2021 DBMP Trans. at 133:15–135:13. And with good reason. Those subpoenas (like the Subpoenas here) did not seek any personally identifiable information ("PII").

While this Court's order in *DBMP* permits DCPF to redact any PII that might be incidentally included in the Claims Data sought, the order does not require DCPF to do so. The Court's order in *DBMP* does, however, require that DBMP's experts at Bates White search the Claims Data that is produced to determine if any PII has inadvertently been produced, and destroy any PII that is located. But the reality, of course, is that DBMP already had all of the PII for the claimants at issue, given that those claimants already had asserted and resolved asbestos claims against DBMP. The Court went on to subsequently deny certain DCPF Matching Claimants' motion to quash DBMP's subpoenas in November 2022.<sup>6</sup> The Court later denied those same Matching Claimants' Motion to Alter or Amend<sup>7</sup> the order to limit DBMP's subpoena to a 10 percent sample of the requested claims data. *See* Hirst Decl. Ex. D, Feb. 9, 2023 DBMP Trans. at 96:1–96:6. DCPF has now produced all of the Claims Data requested by DBMP, at a total cost of approximately \$86,000.

8. The situation in these cases is identical to the situation in *DBMP*. Similarly identical are DCPF's arguments in support of its request to limit the Subpoenas to a 10 percent sample. The Court correctly rejected that argument in *DBMP*, and just last month reiterated that ruling in denying the Matching Claimants' renewed request that it impose a 10 percent sample on the subpoenas issued by DBMP. The Court's repeated and consistent rulings rejecting sampling on the trust discovery subpoenas was the correct approach, and there was nothing "new" presented

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<sup>6</sup> *See* Order Denying Non-Party Certain Matching Claimants' Motion and Joinder to Quash or Modify Subpoenas and Kazan McClain Matching Claimants' Motion to Quash and Joinder in Third Party Asbestos Trusts' Motion to Quash or Modify Subpoenas, *The Armstrong World Indus., Inc. Asbestos Pers. Inj. Settlement Tr. v. DBMP LLC*, No. 22-302 (Bankr. W.D.N.C.) [Dkt. 31] at 2 (Nov. 29, 2022) ("DBMP Motion to Quash Order").

<sup>7</sup> *See* Motion to Alter or Amend the Order Denying Non-Party Certain Matching Claimant's Motion and Joinder to Quash or Modify Subpoenas and Kazan McClain Matching Claimants' Motion to Quash and Joinder in Third Party Asbestos Trusts' Motion to Quash or Modify Subpoenas, *The Armstrong World Indus. Inc. Asbestos Pers. Inj. Settlement Tr. v. DBMP LLC*, No. 22-00302 (Bankr W.D.N.C.) [Dkt. 33] at 4–5 (Dec. 13, 2022) (the "DBMP Matching Claimants' Motion to Reconsider")

at the November 30, 2022 hearing in these cases necessitating any change in the Court's approach on the issue.

9. For these reasons, and for those set forth in the Declaration of Charles H. Mullin ("Mullin Decl."), the Debtors respectfully request that this Court grant rehearing on the Motions to Quash filed by DCPF, the Trusts, and the Matching Claimants in this case, reject their request for sampling, deny the Motions to Quash in full, and order full compliance with the Subpoenas, consistent with its order in *DBMP*.

### **RELEVANT FACTUAL BACKGROUND**

#### **A. The Subpoenas in This Case**

10. On April 7, 2022, the Debtors filed a motion seeking authorization to issue subpoenas on certain claims processing facilities, trusts, and another debtor in a bankruptcy case, including DCPF and the Trusts. *See* Motion of the Debtors for an Order Authorizing the Debtors to Issue Subpoenas on Asbestos Trusts and Paddock Enterprises, LLC, *In re Aldrich Pump LLC*, No. 20-30608 (Bankr. W.D.N.C.) [Dkt. 1111] (Apr. 7, 2022) (the "Trust Discovery Motion"). The Subpoenas were modeled after and are essentially identical to subpoenas that had been previously issued by the debtors in *DBMP*, with this Court's approval. *See* Order Granting Debtor's Motion for Bankruptcy Rule 2004 Examination of Asbestos Trusts and Governing Confidentiality of Information Provided in Response, *In re DBMP LLC*, No. 20-30080 (Bankr. W.D.N.C.) [Dkt. 1340] (Feb. 17, 2022) ("DBMP Trust Order").

11. The Subpoenas seek data to inform the Debtors' estimation case, their expert's legal liability methodology, and the Debtors' proposed plan, including data regarding claimants' claiming history against asbestos trusts. *See* Mullin Decl. ¶¶ 14-18. The data sought is fundamental to: (1) providing critical information as to the full range and circumstances of

historical claimants' exposure allegations; and (2) assessing whether the Debtors had complete information in the tort system and, if not, how that information asymmetry impacted the Debtors' settlements. *Id.* ¶¶ 15, 18.

12. The Subpoenas request that DCPF produce the following seven categories of information concerning any claimants in their database who "match" the 12,000 claimants who resolved claims against the Debtors in this case:

1. Claimant pseudonym (to ensure no production of PII);
2. Claimant's law firm (with contact information);
3. Date claim filed against Trust;
4. Date claim approved by Trust, if approved;
5. Date claim paid by Trust, if paid;
6. If not approved or paid, status of claim; and
7. Exposure-related fields, including: (i) date(s) exposure(s) began; (ii) date(s) exposure(s) ended; (iii) manner of exposure; (iv) occupation and industry when exposed; and (v) products to which exposed.

Aldrich Trust Order ¶ 10.

13. The Subpoenas do not seek any PII or otherwise confidential information. Indeed, the Debtors already have that PII by virtue of the fact that all of the claimants asserted and resolved claims against the Debtors. Nevertheless, to ensure that neither DCPF nor the Trusts are required to disclose any claimant PII, the data will be attached to a pseudonym that will allow matching of the data to the Debtors' data for Permitted Purposes in their bankruptcy case. *Id.* ¶¶ 5–6, 10–13. In addition, the Subpoenas do not seek any medical information, financial information, or information about the claimants' dependents or minors who are relatives.

14. The ACC and one of the targets of the proposed subpoenas, Paddock Enterprises, LLC ("Paddock"), filed oppositions to the Debtors' Trust Discovery Motion.<sup>8</sup> The ACC and Paddock raised many of the same objections that had previously been raised by DCPF in *DBMP*: allegations that the discovery sought was burdensome, created confidentiality concerns, and lacked proportionality to the needs of the case. *See id.*

15. On May 26, 2022, the Court heard oral argument on the Debtors' Trust Discovery Motion. At the outset of that hearing, counsel for the Debtors noted that they sought approval on "essentially the same order that [the court] entered in the *DBMP* case." Hirst Decl. Ex. E, May 26, 2022 Aldrich Trans. at 13:24–14:6. At oral argument, counsel for the ACC specifically complained that the Debtors' proposed subpoenas sought Claims Data for all 12,000 claims that had been asserted and resolved against the Debtors, and did not include a sampling proposal:

The debtor has made no proposal of sampling, none at all. The debtor has made the same proposal with respect to anonymization that was made in *DBMP*. We, as the Court may guess, like the committee in *DBMP*, contest that the debtors' anonymization protocol satisfies what the district court in Delaware had ordered, but the debtor has proposed some anonymization, but absolutely no sampling.

*Id.* at 39:19–40:1. Counsel for the ACC continued:

The debtor is looking to compile personal and private information for 12,000 people from 20 different sources into one single location and that is the concern with confidentiality. ... [W]hat the debtor is now doing is compiling all of that information, if their motion is

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<sup>8</sup> *See* Paddock Enterprises, LLC's (I) Objection to Motion of the Debtors for an Order Authorizing the Debtors to Issue Subpoenas on Asbestos Trusts and Paddock Enterprises, LLC and (II) Motion for Limited Adjournment of Hearing on Motion of the Debtors for an Order Authorizing the Debtors to Issue Subpoenas on Asbestos Trusts and Paddock Enterprises, LLC, *In re Aldrich Pump LLC*, No. 20-30608 (Bankr. W.D.N.C.) [Dkt. 1161] (May 6, 2022); The Official Committee of Asbestos Personal Injury Claimants' Objection to the Motion of the Debtors for an Order Authorizing the Debtors to Issue Subpoenas on Asbestos Trusts and Paddock Enterprises, LLC, *In re Aldrich Pump LLC*, No. 20-30608 (Bankr. W.D.N.C.) [Dkt. 1162] (May 6, 2022)



permitted, into one place. And we know that data breaches happen.  
We know cyber attacks happen.

*Id.* at 40:10–20.

16. At the conclusion of the hearing, the Court announced it was granting the Debtors' Trust Discovery Motion and overruling the objections. In doing so, the Court noted that it was relying in significant part upon its prior ruling in *DBMP* just months earlier. *See id.* at 57:6–8 ("I generally agree with the debtor here and I believe that, particularly, the response brief for the reasons stated in that and as announced in the *DBMP* matter."). This Court formalized its ruling in a written order on July 1, 2022. *See* Aldrich Trust Order. In its order, this Court specifically held that the information the Debtors sought is "relevant and necessary" to their bankruptcy cases. *Id.* ¶ 5.

17. Despite the fact that the Subpoenas do not seek any PII, and despite the fact that the Debtors already possess all of the PII for the subject claimants, the Debtors nevertheless included extensive confidentiality provisions in the Aldrich Trust Order for the Claims Data, far beyond what is usually included in a standard protective order. Under the Aldrich Trust Order, the Claims Data will be kept confidential, access will be limited to lawyers and experts working on the case with a "clear need to know or access the data," and use of the data will be limited to specific "Permitted Purposes" relating to claims estimation and negotiation, formulation, and confirmation of a plan of reorganization. *See id.* ¶¶ 5, 13. The data must be deleted within 30 days after the effective date of a confirmed plan or entry of a final order confirming such a plan (whichever is later). *Id.* ¶ 15.

18. In addition, to further ensure that producing parties like DCPF need not produce any PII (to the extent that such information was inadvertently included by a claimant in

any of the exposure-related fields that are to be produced), the Aldrich Trust Order allows DCPF to redact that information from the produced Claims Data:

To the extent any names or SSNs appear in any exposure-related field, the Manville Trust, DCPF, and Verus may redact such names and SSNs prior to production of the Trust Anonymized Matched Production.

*Id.* ¶ 10 n.8. Moreover, to the extent that DCPF does not want to undertake the task of redacting such PII, the Aldrich Trust Order provided another fail safe—Bates White is required, upon receipt of the Claims Data, to search that data for any PII that was produced, and immediately delete it:

In addition, prior to delivery of the Trust Anonymized Matched Production to the other Retained Experts, Bates White shall search for and permanently delete any such names and SSNs that may be inadvertently included in the Trust Anonymized Matched Production.

*Id.*

19. Finally, the Aldrich Trust Order requires that the Debtors reimburse all costs that producing parties like DCPF incurred in responding to the Subpoenas:

The Debtors shall reimburse the Producing Parties for their reasonable and documented expenses in complying with this Order and the subpoenas. The Producing Parties shall have no liability in connection with their compliance with the subpoenas described in this Order.

*Id.* ¶ 19. This includes any costs in redacting any claimant PII.

20. Shortly after the Court entered the Aldrich Trust Order, the Debtors began serving their Subpoenas, including on DCPF and the Trusts.

## **B. The Motions to Quash**

21. After the Debtors served their Subpoenas, DCPF, the Trusts, and the Matching Claimants filed their Motions to Quash in the United States District Court for the District of Delaware. The Delaware District Court subsequently transferred the Motions to Quash to this

Court for resolution. *See In re Bestwall LLC*, Misc. No. 21-141-CFC, 2022 WL 4465202 (D. Del. Sept. 26, 2022).

22. This Court heard oral argument on the Motions to Quash on November 30, 2022. During oral argument, DCPF, the Trusts, and the Matching Claimants focused much of their argument on the claim that the Subpoenas should be quashed because they are not limited to a 10 percent random sample and that the confidentiality provisions are inadequate to protect the Claims Data at issue. Specifically, counsel for the Trusts argued: "Aldrich's argument is, like, 'We don't need a lot of protections here and we don't need sampling because this is not PII.' . . . [But] as [counsel for DCPF] will discuss, the exposure-related fields that are requested may still contain personally identifiable information." *See* Nov. 30, 2022 Aldrich Trans. at 40:25–41:10. Counsel for DCPF, in turn, argued that while the Debtors do not seek confidential information, "[s]ome of the data for the all-exposure field's request will contain Social Security Numbers and names and other sensitive information." *Id.* at 51:10–13. According to counsel for DCPF, "the information presented today, . . . the sample I provided, the explanation I provided, has not previously been presented." *Id.* at 74:15–18.

23. At the conclusion of the November 30 hearing, the Court announced that in light of the "new argument today as to what exactly might be disclosed," specifically, the PII that DCPF claimed might exist in the exposure fields, it was adopting the 10 percent sampling limit to the Subpoenas. *Id.* at 76:12–17. The Court's November 30, 2022 oral ruling has not been reduced to a written order.

**C. The Bestwall and DBMP Subpoenas**

24. The Subpoenas in this case represent essentially the third chapter of the continuing story of subpoena-related litigation involving DCPF and the Trusts. Prior to this, the

debtors in *DBMP* and *Bestwall* served subpoenas seeking, in the case of *DBMP*, identical information, and in the case of *Bestwall*, far more extensive information. In both cases, the subpoenas became the subject of extensive litigation whereby DCPF attacked those subpoenas and sought to either quash them or limit them to a sample. In both cases, this Court and Judge Beyer rejected DCPF's objections and request that the subpoenas be limited to a 10 percent sample. In both cases, DCPF has now fully complied with the subpoenas and produced all of the Claims Data requested by those subpoenas.

### **The *Bestwall* Subpoenas**

25. In July 2020, *Bestwall* filed a motion in its bankruptcy case seeking discovery from DCPF and the Trusts. *See* Debtor's Motion for Bankruptcy Rule 2004 Examination of Asbestos Trusts, *In re Bestwall LLC*, No. 17-31795 (Bankr. W.D.N.C.) [Dkt. 1237] (July 30, 2020). DCPF objected to *Bestwall*'s Motion and argued in favor of sampling, in part due to "the highly sensitive nature of the claimant data."<sup>9</sup> At oral argument on the motion, DCPF's counsel complained: "The debtor has argued against sampling on the grounds that the burden on the trusts is the same if we produce data for 1500 people or 15,000 people. That argument ignores the trusts' concerns about invasiveness of this disclosure and it shortchanges the privacy interests of the victims." Hirst Decl., Ex. F, Jan. 21, 2021 *Bestwall* Trans. at 229:13–18.

26. After months of litigation, the *Bestwall* court entered an order approving *Bestwall*'s request for discovery relating to any claims that the approximately 15,000 resolved *Bestwall* mesothelioma claimants filed with DCPF. *See* Order Granting Debtor's Motion for

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<sup>9</sup> *See* Response and Objection of Nonparties Manville Personal Injury Settlement Trust and Delaware Claims Processing Facility to the Debtor's Motion for Bankruptcy Rule 2004 Examination of Asbestos Trusts and Governing Confidentiality of Information Provided in Response, *In re Bestwall LLC*, No. 17-31795 (Bankr. W.D.N.C.) [Dkt. 1321] ¶ 23 (Sept. 4, 2020).

Bankruptcy Rule 2004 Examination of Asbestos Trusts and Governing Confidentiality of Information Provided in Response, *In re Bestwall LLC*, No. 17-31795 (Bankr. W.D.N.C.) [Dkt. 1672] (Mar. 24, 2021).

27. The DCPF Trusts, joined by certain Bestwall Matching Claimants, moved to quash the Bestwall subpoenas in the District of Delaware. *See In re Bestwall LLC*, Misc. No. 21-141 (CFC), 2021 WL 2209884, at \*1 (D. Del. June 1, 2021). The Delaware court narrowed the subpoenas to minimize what the Delaware court called "sweeping personal data" sought by the Bestwall subpoenas, including the full names and Social Security Numbers ("SSNs") of claimants. *Id.* at \*6. The Delaware court allowed Bestwall to serve revised subpoenas that were limited to "a random sample of no more than 10% of the 15,000 mesothelioma victims at issue[.]" Order, *In re Bestwall LLC*, Misc. No. 21-141 (CFC) (D. Del.) [Dkt. 33] (June 17, 2021).

28. The Third Circuit reversed that decision, holding that collateral estoppel prohibited the DCPF Trusts and the Matching Claimants from re-litigating the same issues already addressed in the Bankruptcy Court. *In re Bestwall LLC*, 47 F.4th 233, 243–47 (3d Cir. 2022). After the Third Circuit's ruling, DCPF produced the information to Bestwall in accordance with the original subpoena, including data for over 15,000 matching claimants (and those claimants' PII). *See* Hirst Decl. Ex. G, Jan. 19, 2023 Bestwall Trans. at 9:25–10:3.

### **The DBMP Subpoenas**

29. In late 2021, DBMP sought authorization to issue similar subpoenas to those served by Bestwall. After the Delaware district court narrowed the subpoenas in *Bestwall*, but before the Third Circuit reversed that decision, DBMP revised and narrowed the requested subpoenas. *See* DBMP Trust Order, at 2 n.2. Notably, DBMP "deleted from its request all of the data fields requiring production of personal identifying information regarding any claimant." *Id.*; *see also id.* ¶¶ 4, 7.

30. In October 2021, this court held a hearing on DBMP's motion. DCPF objected and, relying on testimony from its Chief Operating Officer Richard Winner, argued that while DBMP's proposed subpoenas did not seek PII, some claimants might have entered PII into some of the exposure fields that were requested, even if the claimants were not required to do so. *See* Oct. 21, 2021 DBMP Trans. at 152:7–13. According to counsel for DCPF, the process of removing any of that PII from those exposure fields would be "a tremendous burden," requiring DCPF to manually go "line-by-line" through the data. *Id.*; *see also id.* at 142:17–20 (Counsel for DCPF: "Demanding that a non-party provide information that the requesting party doesn't need is, *per se*, unduly burdensome, particularly where, as here, the information requested is both confidential and proprietary."). As a remedy, DCPF's counsel suggested that it would "be less of a burden if the debtor were limited to sample." *Id.* at 152:13–14; *see also id.* at 145:11–13 (Counsel for DCPF: "The debtor has the burden of showing that it needs data for 9,000 as opposed to 900 and holding the debtor to that burden is critical here because the data in question are confidential[.]").

31. On December 16, 2021, this Court announced that it was authorizing DBMP to serve its proposed subpoenas. Dec. 16, 2021 DBMP Trans. at 133:15–135:13. In doing so, the Court specifically acknowledged the ruling made by the Delaware District Court in *Bestwall*. *Id.* at 133:15–23. The Court nevertheless found that DBMP's subpoenas were significantly different than those considered by the district court in *Bestwall*, given the contemplated pre-disclosure anonymization and "the fact that there's no ... personal identifying information now satisfies the privacy concerns." *Id.* at 134:9–16. In addition, the Court did not accept DCPF's proposal to limit the data sought by the DBMP subpoenas to a random 10 percent sample of claimants. *Id.*

32. On February 10, 2022, the *DBMP* Court held a hearing related to the drafting of the relevant order. Counsel for DCPF again argued that though "the debtor isn't affirmatively seeking the production of PII, ... the data fields that the debtor's seeking will involve some leakage of personally identifiable information." Hirst Decl. Ex. H, Feb. 10, 2022 DBMP Trans. at 31:23–32:3. In response, the Court asked: "[I]s the debtor opposed -- going back to Footnote 2 -- to adding clarifying language that while you're not asking for this information, you have, basically, that all agree that there is the possibility that a claimant might have included that in the [exposure] fields . . . and, . . . you're not opposed to redacting that before the trusts turn loose of the information?" *Id.* at 44:25–45:7; *see also id.* at 37:24–38:2. DBMP agreed. The order ultimately entered by the Court clarified that although DBMP did not affirmatively seek any PII:

DCPF's Chief Operating Officer testified that, when claimants describe how they were exposed to products for which a DCPF Trust is responsible, ***it is possible that they may list individuals by name and/or SSN. To the extent any names or SSNs appear in any exposure-related field, DCPF and the Manville Trust may redact such names and SSNs prior to production of the Anonymized Matched Production.*** In addition, prior to delivery of the Anonymized Matched Production to the other Retained Experts, Bates White shall search for and permanently delete any such names and SSNs that may be inadvertently included in the Anonymized Matched Production.

DBMP Trust Order ¶ 7 n.7 (emphasis added).

33. Shortly thereafter, DBMP served the subpoenas. The Trusts and various Matching Claimants immediately moved to quash them. After the Third Circuit's decision in *Bestwall*, the Trusts withdrew their motion, though the Matching Claimants continued to prosecute their own motion. After transfer of the motion by the Delaware District Court, this Court denied the DBMP Matching Claimants' motion to quash, finding the subpoenas were "appropriate" given "the protections that have been proposed and the lack of PII that is being sought." Hirst Decl. Ex. I,

Oct. 31, 2022 DBMP Trans. at 73:19–21. The Court issued its written order to the same effect on November 29, 2022. *See* DBMP Motion to Quash Order at 2.

34. On December 13, 2022, following the hearing on the Motions to Quash in these cases, the Matching Claimants in *DBMP* moved this Court to "alter or amend" its prior order denying their motions to quash. They argued that the Court should amend its prior order and order "a random sampling of no more than 10% of the data at issue," consistent with the Court's November 30, 2022 oral ruling in *Aldrich*. DBMP Matching Claimants' Motion to Reconsider at 4–5. According to the Matching Claimants, the motions in *Aldrich* and *DBMP* "raised nearly identical arguments" related to the "very same privacy and economic considerations," as compliance with either subpoena would require disclosure of "a wealth of confidential, sensitive, and personal identifying information[.]" *Id.* at 6.

35. On February 9, 2023, this Court denied the DBMP Matching Claimants' Motion to Reconsider. This Court disagreed with the Matching Claimants that it had "misapprehend[ed]" the arguments originally made in the Matching Claimants' motions to quash. Feb. 9, 2023 DBMP Trans. at 94:1–2. "If anything, we had been careful in this case, DBMP, to try to address the privacy concerns and what I did was intentional there." *Id.* at 94:7–9.

36. After two productions (the first, on November 4, 2022, and the second, on January 13, 2023), DCPF has now produced full information responsive to the DBMP subpoenas, with PII redacted from the narrative exposure fields. Hirst Decl. Ex. L, Debtor's Presentation of February 9, 2023 *In re DBMP*, (No. 20-30080, W.D.N.C.) at 3. DBMP agreed to reimburse DCPF for the reasonable costs it incurred related to the redaction and production of the data. The costs associated with the two productions were roughly \$86,000. Feb. 9, 2023 DBMP Trans. at 56:11–15.



### **ARGUMENT**

37. The Court has not yet issued a written order of its November 30, 2022 oral ruling concerning the Motions to Quash. As discussed with the Court at the February 14, 2023 omnibus hearing, and as the Debtors informed counsel for DCPF, the Trusts, and the Matching Claimants by email on February 10, 2023, the Debtors are seeking rehearing on the specific question of whether DCPF's response to the Debtors' Subpoenas should be limited to a 10 percent sample of the Claims Data sought, as the Court indicated in its oral ruling on November 30, 2022, or whether the Motions to Quash should be denied in full, and DCPF ordered to fully comply with the Subpoena. For the reasons stated below, rehearing should be granted, and the Motions to Quash should be denied in full.

**I. Any Burden on DCPF in Fully Complying with the Subpoena is Minimal, and is Far Outweighed by the Relevance of the Claims Data.**

38. "[T]he scope of discovery allowed under a subpoena is the same as the scope of discovery allowed under Rule 26." *HDSherer LLC v. Nat. Molecular Testing Corp.*, 292 F.R.D. 305, 308 (D.S.C. 2013). Though a non-party may move to quash a Rule 45 subpoena for different reasons, "the ultimate question is whether the benefits of discovery to the requesting party outweigh the burdens on the recipient." *United States ex rel. Hayes v. Charlotte Mecklenberg Hosp. Auth.*, No. 3:16-cv-00750-GCM, 2021 WL 665109, at \*2 (W.D.N.C. Feb. 19, 2021). "Relevance, on its own, does not impose a high bar." *Hayes*, 2021 WL 665109, at \*2. Indeed, "relevancy in discovery is broader than relevancy for purposes of admissibility at trial." *In re Am. Med. Sys., Inc. Pelvic Repair Sys. Prod. Liab. Litig.*, MDL No. 2325, 2016 WL 4411506, at \*2 (S.D.W.Va. Aug. 17, 2016).

39. The Claims Data sought by the Subpoenas in this case is both: (a) relevant and necessary to these cases; and (b) stored by DCPF in an electronic database, rendering

production of the seven fields of requested data straightforward and susceptible to production in a relatively short period of time and at relatively low costs (which will be borne by the Debtors). *See* Mullin Decl. ¶ 22. Similar, and likely substantially overlapping data has already been produced by DCPF to the debtors in *DBMP* and *Bestwall*, at relatively modest cost. *Id.* ¶ 24. Under these circumstances, there is no basis to limit the Debtors to a 10 percent sample of the Claims Data in response to the Subpoenas.

40. As this Court and others have now determined multiple times, the information sought by the Subpoenas is relevant and necessary to estimating the Debtors' liability for asbestos personal injury claims. *See In re Garlock Sealing Techs., LLC*, 504 B.R. 71 (Bankr. W.D.N.C. 2014); *Bestwall*, 2021 WL 2209884, at \*7; DBMP Trust Order ¶ 3; Aldrich Trust Order ¶ 5. Based on positions taken in other asbestos bankruptcies, the ACC is likely to argue that the Debtors' historical settlements of asbestos claims in the tort system are an appropriate guide to measure the Debtors' liability. Several years ago, Judge Hodges explicitly rejected that position, finding that that particular debtor's "settlement history [did] not accurately reflect fair settlements because [asbestos] exposure evidence was withheld" in the tort system. *Garlock*, 504 B.R. at 94.

41. In reaching its ruling that the Claims Data sought by the Subpoenas is "relevant and necessary," this Court relied significantly on the reasoning from *Garlock*. Aldrich Trust Order ¶ 5. Indeed, determining whether pre-petition settlements provide a reliable basis for estimating liability is one reason that the Debtors seek this information. But the information is relevant to more than just estimation: it is also "relevant and necessary" for "the negotiation, formulation, and confirmation of a plan of reorganization" in the Debtors' bankruptcy cases, including "the development and evaluation of trust distribution procedures[.]" *Id.*

42. The Claims Data the Debtors seek via the Subpoenas will help inform each of these purposes. Asbestos claimants often contend that every exposure contributes to the risk of developing mesothelioma. As a result, alternative exposure allegations are critical to determine the full range of alleged claimant exposures, the corresponding set of potentially culpable entities, the relationship of exposures alleged to the various occupations and trades of the Debtors' historical claimants, and the extent to which the full range of alleged exposures are changing over time. These elements, all of which will be informed by the Claims Data, directly relate to a defendant's legal liability share. Mullin Decl. ¶ 15.

43. In addition, the Claims Data also provides critical information needed to assess whether the Debtors knew the totality of alternative exposures at the time of historical settlements, and allows the Debtors' expert to quantify the proportion of alternative exposures disclosed to the Debtors at the time of the settlement. *Id.* ¶ 16. Finally, the Claims Data is relevant in those cases where full disclosure of alternative exposures did not occur, as the variation in disclosure patterns will help determine the impact of partial information on settlement amounts. *Id.* ¶ 17.

44. Furthermore, while sampling can be a useful tool to save time and costs when dealing with the production of voluminous data or documents,<sup>10</sup> it is not appropriate in every context. *See id.* ¶¶ 19-20. Specifically, one drawback of sampling is that it would decrease the precision of estimates by introducing the possibility of sampling error in the analysis. *Id.* ¶ 25. Estimates that are calculated using a sample tend to differ from those calculated using an entire

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<sup>10</sup> For example, as the ACC, FCR, and the Debtors all agree, sampling is appropriate for claims file discovery, given the volume of documents and number of potential entities involved in such efforts. For this reason, the ACC, FCR, and the Debtors are closing in on an agreement for use of a sample for purposes of claims file discovery.

population, introducing potential error or uncertainty into the results. *Id.* Finally, using a sample creates added cost of extrapolating sample results to the claimant population, a process that can include litigation costs should the parties' experts disagree about that methodology. *Id.*

45. Here, the importance of the Claims Data to the Debtors' bankruptcy cases is high, and the burden of querying DCPF's database and producing the seven fields of information is relatively low. Weighing the equities between the two does not justify ordering a sample.

46. Importantly, DCPF does not contend that querying and producing the Claims Data requested from its database itself is a burdensome task. Instead, the only burden DCPF suggests is created by complying with the Subpoenas is the removal of any PII potentially located in four of the fields that include responsive information to the Subpoenas. *See* Nov. 30, 2022 Aldrich Trans. at 50:23–56:6. According to DCPF, there is "no easy way to identify and remove or redact the sensitive and confidential information contained in these narrative fields before production." DCPF Motion to Quash ¶ 12. Instead, according to DCPF it is a "herculean task to undertake," as DCPF "would be required to manually review all text fields, which would be a timely, costly and burdensome undertaking." *Id.*

47. This claimed burden does not provide a sufficient basis to limit the Debtors to a 10 percent sample of the Claims Data. First, it is unnecessary. The Debtors already possess all of the PII for all of the claimants whose data is subject to the Subpoenas. While this Court's Trust Discovery Orders in both these cases *and* DBMP permit DCPF to redact any PII from the exposure fields, it does not require it to do so. *See* Aldrich Trust Order ¶ 10 n.8. Indeed, if DCPF chooses not to redact the PII, the Debtors' expert is required to "search for and permanently delete any such names and SSNs that may be inadvertently included in the" Claims Data produced. *Id.* DCPF should not be able to rely on the self-inflicted burden created by choosing the option to

redact information the Debtors already have as a basis to ask this Court to prevent the Debtors from receiving 90 percent of the Claims Data sought by the Debtors' Subpoenas. *See, e.g., Nallapaty v. Nallapati*, No. 5:20-cv-470-BO, 2021 WL 3686240, at \*4 (E.D.N.C. Aug. 19, 2021) (overruling party's argument that production would "pose an undue burden because they would have to expend time and resources examining the data to redact confidential information"); *Morgan Hill Concerned Parents Ass'n v. Cal. Dep't of Educ.*, No. 2:11-cv-3471 KJM AC, 2017 WL 445722, at \*7 (E.D. Cal. Feb. 2, 2017) (rejecting a party's purported burden because it was a "problem of [its] own making").

48. Second, DCPF has likely already produced a significant amount of the Claims Data at issue here. On January 13, 2023, DCPF produced the claims data for any matches to the 9,000 claimants requested in the DBMP subpoena, (*see* Feb. 9, 2023 DBMP Trans. at 16:18–20), which likely substantially overlaps with the information requested in the Subpoenas here. *See* Mullin Decl. ¶ 24. In doing so, DCPF redacted any of the PII allegedly located in the exposure fields. Feb. 9, 2023 DBMP Trans. at 53:16–23. In November 2022, DCPF produced the claims data for any matches to the 15,000 claimants requested in the Bestwall subpoena. *See* Jan. 19, 2023 Bestwall Trans. at 9:25–10:3.

49. Finally, any burden on DCPF in choosing to review and redact any PII potentially located in the four exposure fields is entirely offset by the fact that the Debtors will be paying DCPF for all reasonable costs incurred in complying with the Subpoenas. *See* Aldrich Trust Order ¶ 19. *See also, e.g., Seven Z Enters., Inc. v. Giant Eagle, Inc.*, No. 2:17-cv-740, 2020 WL 7240365, at \*4 (W.D. Pa. Mar. 6, 2020) ("[A]ny potential undue burden can be mitigated by cost shifting permitted under Rule 45(d)(2)(B)(ii), which requires nonparties to be protected from significant expense resulting from compliance with a subpoena."); *Cash Today of Tex., Inc. v.*

*Greenberg*, No. 02-MC-77-GMS, 2002 WL 31414138, at \*4 (D. Del. Oct. 23, 2002) (finding no undue burden where a party offered to copy "over 20,000 individual loan files" at its own expense, making the burden "substantially reduced such that the burden is not 'undue'").

## **II. No Confidentiality Goal is Advanced by Ordering Sampling.**

50. For many of the same reasons the alleged burden on DCPF is not a basis to order sampling, the alleged confidentiality of the Claims Data is also not a basis to order sampling or otherwise limit the Debtors' subpoenas. As noted, the Subpoenas seek seven categories of information, none of which is confidential. *See* Aldrich Trust Order ¶ 10. The Subpoenas do not require the production of PII, settlement amounts, the identities of minors, or any other information that courts have traditionally deemed to be confidential. For that reason, none of the Claims Data sought by the Subpoenas could be reasonably described as personal, sensitive, confidential information. As Judge Silverstein noted in denying motions to quash the identical subpoenas served on Paddock, "[m]ost of the information in these fields is something that would be gleaned from any complaint that would be filed in a lawsuit in a State Court action[.]" Hirst Decl. Ex. J, Jan. 6, 2023 Paddock Trans. at 80:25–81:7.

51. Further, the only confidential information that DCPF, the Trusts, or the Matching Claimants have identified as potentially at issue is PII that might be incidentally included in some of the exposure related fields. Nov. 30, 2022 Aldrich Trans. at 50:23–52:2. But as noted, the Debtors already have that PII by virtue of the fact that all of the claimants at issue asserted and resolved claims against the Debtors. No confidentiality goal is advanced from withholding PII from the Debtors that they already have.

52. Nevertheless, the Aldrich Trust Order provides extensive protections regarding the production and use of this data. At the outset, the Debtors' expert created a Matching Key listing the last name, SSN, and a numerical pseudonym for each claimant who asserted a

mesothelioma claim against the Debtors. Aldrich Trust Order ¶ 6. That Matching Key was provided to the targets of the Subpoenas. DCPF and the Trusts then identified claimants in their claims databases whose data fields matched the SSN and last name provided in the Matching Key. *Id.* ¶ 7. When DCPF and the Trusts ultimately respond to the Subpoenas and produce the Claims Data, they can extract and anonymize the requested data by removing all PII; only the numerical pseudonym and associated Claims Data need to be produced. And though the Debtors do not seek PII, the Aldrich Trust Order recognizes that PII could potentially be included in certain fields sought by the Debtors, and allows the targets of the subpoena—and *requires* the Debtors' expert—to redact any PII. *See id.* ¶ 10 n.8.

53. Moreover, only retained experts and authorized representatives can access the Matching Key and Claims Data, which is the only way to match a particular claimant with any information in the Claims Data. *Id.* ¶¶ 13(a), 13(d). The Matching Key is stored in a "separate, password-protected folder ... , accessible only to individuals authorized to access" it. *Id.* ¶ 13(d). That is, the lock and the key—the Matching Key and the Claims Data—will always be stored separately. *Compare* Winner Decl. ¶ 28. Further, the Matching Key can be used in four limited circumstances, and "only in connection with a Permitted Purpose." Aldrich Trust Order ¶ 12(b). To the extent an expert uses the Matching Key to match the production on a claimant-by-claimant basis, that expert must delete names and SSNs from any resulting database. *Id.* ¶ 12(c). Access to the Claims Data itself is limited, too, and only those with a "clear need to know or access the data to perform work in connection with a Permitted Purpose" can access it. Finally, no claimant-specific data can be offered as evidence, placed on the public record, or filed without further order of the Court, made on motion and after notice and hearing. *Id.* ¶¶ 13(a), 13(e).

54. In addition, "[w]ithin 30 days after the effective date of a confirmed plan for the Debtors or entry of a final order confirming such a plan, whichever is later," the parties and any authorized representative who received access to the Claims Data "shall permanently delete" that data. *Id.* ¶ 15. Within 30 days of deletion, the parties and their authorized representatives must file a declaration affirming that they used the Claims Data in accordance with the Aldrich Trust Order. *Id.* ¶ 16.

55. As this Court held in *DBMP* when it overruled DCPF's objections to the issuance of the subpoenas in that case, the confidentiality protections in the subpoenas and orders governing the same are robust, making sampling unnecessary. *See* Oct. 21, 2021 DBMP Trans. at 145:11–13; Dec. 16, 2021 DBMP Trans. at 133:15–135:13; *see also* Hirst Decl. Ex. K, Aug. 11, 2022 DBMP Trans. at 67:5–10 (rejecting sampling proposed by another trust subpoena recipient and noting "I think sampling is something that I strongly favor, but I believe for the reasons that I've previously stated in a prior order that we have protections here and that there's not a real risk of harm").

56. Finally, DCPF's and the Trusts' professed concerns about a potential data breach are truly red herrings. Bates White is the only representative of the Debtors to receive both the Matching Key and the Claims Data. Bates White has, for years, housed confidential claimant data, including PII and medical information, without incident. *See* Mullin Decl. ¶ 29. Bates White uses industry best practices for data confidentiality and protection. *Id.* It cannot seriously be argued that the production of this information to Bates White creates an unnecessary risk of data breach. Indeed, as DCPF's COO admitted in his deposition in *DBMP*, such a data breach has never happened. *See* Feb. 9, 2023 DBMP Trans. at 80:21–81:2.



57. In short: non-confidential information is produced subject to extensive confidentiality protections and use restrictions, held by a highly reputable firm in Bates White, with top of the industry data management and protection practices, which houses sensitive and highly confidential data in relation to most of its matters. This fact scenario does not provide a basis to quash 90 percent of the Subpoenas in this case and limit the Debtors to a 10 percent sample of the Claims Data.

### **III. Sampling is Neither Necessary Nor Appropriate in This Context.**

58. Finally, ordering sampling here, on the Subpoenas directed to DCPF and the Trusts, makes little sense as a practical matter. Claims data has been produced, in unredacted form, for those claimants in DCPF's database who matched the 15,000 claims requested in *Bestwall*. Identical fields of Claims Data to those sought by the Subpoenas here have been produced for those claimants in DCPF's database who matched the 9,000 claims requested in *DBMP*. In both cases, this data was produced to the same expert, Bates White, that the Debtors have enlisted in their own bankruptcy cases.

59. This Court was correct in denying DCPF's requests for sampling in response to the subpoenas issued in *DBMP*. Judge Beyer was likewise correct in denying DCPF's same request in *Bestwall*. The Debtors here simply ask for access to the same information the debtors in those other cases now have access to.

### **CONCLUSION**

60. For the foregoing reasons, the Debtors respectfully request that this Court order rehearing on DCPF's Subpoena-related motions, and deny the Motions to Quash filed by DCPF, the Trusts, and the Matching Claimants.

Dated: March 9, 2023  
Charlotte, North Carolina

Respectfully submitted,

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

ARMSTRONG WORLD INDUSTRIES,  
INC. ASBESTOS PERSONAL INJURY  
SETTLEMENT TRUST *et al.*

Plaintiffs,

v.

ALDRICH PUMP LLC, *et al.*

Defendants.

Miscellaneous Proceeding

No. 22-00303 (JCW)

(Transferred from District of Delaware)

In re

ALDRICH PUMP LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 20-30608

**NOTICE OF HEARING**

NOTICE IS HEREBY GIVEN that Aldrich Pump LLC., et al., Debtors in the above-captioned cases, have filed the Debtors' Motion for Rehearing Concerning the Issue of Sampling on DCPF's Subpoena-Related Motions (the "Motion").

If a copy of the Motion is not included with this Notice, a copy may be viewed at the Court's website, [www.ncwb.uscourts.gov](http://www.ncwb.uscourts.gov) under Debtor Aldrich Pump LLC's name and case number, you may obtain a copy of the Motion from the Debtors' claims and noticing agent at [www.kccllc.net/aldrich](http://www.kccllc.net/aldrich), or you may request in writing a copy from the undersigned counsel to the Debtors.

**YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THESE BANKRUPTCY CASES. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.)**

<sup>1</sup> 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.

**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 ON OR BEFORE THURSDAY MARCH 23, 2023 YOU  
MUST:**

(1) A. File with the Bankruptcy Court a written objection at:

Clerk, United States Bankruptcy Court  
401 W. Trade Street  
Charlotte, North Carolina 28202

B. If you have your attorney file a written objection then the objection should  
be filed with the Bankruptcy Court by electronic means through the  
Court's website, [www.ncwb.uscourts.gov](http://www.ncwb.uscourts.gov) under the jointly administered  
name and case number shown above.

(2) Serve the objection pursuant to the procedures set forth in the Order Establishing  
Certain Notice, Case Management, and Administrative Procedures (Docket No. 123).

(3) Attend the hearing scheduled for March 30, 2023, at 9:30 a.m. EDT or as soon  
thereafter as the matter can be heard in the Bankruptcy Courtroom 2B, 401 West Trade Street,  
Charlotte, North Carolina. You should attend this hearing if you file an objection.

If you or your attorney do not take these steps, the Court may decide that you do not  
oppose the relief sought and may enter an Order granting the relief requested. No further notice  
of that hearing will be given.

This the 9<sup>th</sup> day of March, 2023.

RAYBURN COOPER & DURHAM, P.A.

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