

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

IN RE:

FIBRANT, LLC, *et al.*,

Debtors.

Chapter 11

Case No. 18-10274 (SDB)

(Jointly Administered)

FIBRANT, LLC, EVERGREEN NYLON
RECYCLING LLC, FIBRANT SOUTH CENTER,
LLC, GEORGIA MONOMERS COMPANY, LLC,
CHEMICAINVEST HOLDING, B.V., and
AUGUSTA LIQUIDATIONS, LLC,

Plaintiffs,

v.

ACE PROPERTY & CASUALTY INSURANCE
COMPANY, a corporation, UNITED STATES FIRE
INSURANCE COMPANY, a corporation,
CENTURY INDEMNITY COMPANY, a
corporation, ADMIRAL INSURANCE COMPANY,
a corporation, MT. MCKINLEY INSURANCE
COMPANY, a corporation, COLUMBIA
CASUALTY COMPANY, a corporation,
CONTINENTAL CASUALTY COMPANY, a
corporation, THE CONTINENTAL INSURANCE
COMPANY, a corporation, CERTAIN
UNDERWRITERS AT LLOYD'S, LONDON, a
corporation, CERTAIN LONDON MARKET
COMPANIES, corporations, STARR INDEMNITY
& LIABILITY COMPANY, a corporation,
BERKSHIRE HATHAWAY SPECIALTY
INSURANCE COMPANY, a corporation, FIRST
STATE INSURANCE COMPANY, a corporation,
ALBA GENERAL INSURANCE COMPANY
LIMITED, a corporation, THE DOMINION
INSURANCE COMPANY LIMITED, a corporation,
EXCESS INS. CO. TO HFPI LTD., a corporation,
ASSICURAZIONI GENERALI SPA, a corporation,
HELVETIA ACCIDENT SWISS INSURANCE

Adversary Proceeding

No. 19-01016 (SDB)



COMPANY LIMITED, a corporation, LONDON AND EDINBURGH GENERAL INSURANCE COMPANY LIMITED, a corporation, RIVER THAMES INSURANCE COMPANY LIMITED, a corporation, STRONGHOLD INSURANCE COMPANY LIMITED, a corporation, HARPER INSURANCE LTD., a corporation, ARGONAUT NORTHWEST INSURANCE COMPANY, a corporation, DELTA-LLOYD NON-LIFE INSURANCE COMPANY LIMITED, a corporation, NATIONAL CASUALTY COMPANY, a corporation, NATIONAL CASUALTY COMPANY OF AMERICA LIMITED, a corporation, NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA, a corporation, LEXINGTON INSURANCE COMPANY, a corporation, THE NORTH RIVER INSURANCE COMPANY, a corporation, HOME INSURANCE COMPANY, a corporation, ALLSTATE INSURANCE, a corporation, PROTECTIVE NATIONAL INSURANCE COMPANY, a corporation, ZURICH INTERNATIONAL, a corporation, LIBERTY MUTUAL, a corporation,

Defendants.

JOINT STATUS CONFERENCE STATEMENT

This adversary proceeding is a declaratory judgment action in which the Plaintiffs seek a determination regarding coverage under certain historic insurance policies, issued by the Insurer Defendants,¹ for funding of past and ongoing environmental liabilities. On October 3, 2019, the parties filed a joint motion to stay this action pending the outcome of mediation between the parties. On October 17, 2019, the Court ordered the action stayed. As part of the Court's order, the parties are required to file an initial joint status report on December 16, 2019, and subsequent

¹ As these terms are defined in the Complaint for Declaratory Judgment, *see* Dkt. 1.

status reports each 90 days thereafter while the matter is stayed, pending further order of the Court. Plaintiffs and the Defendant Insurers jointly file this status report in compliance with the Court's order and report the following.

With this action stayed, the parties have worked successfully towards establishing the parameters of a mediation process including the selection of a preferred neutral to act as mediator. This agreed process includes the provision of certain information from the Plaintiffs to the Defendant Insurers, which are outlined in the Defendant Insurer's enumerated Pre-Mediation Information Requests ("PMIR"), to ensure the parties can meaningfully participate in the mediation and increase the chances of reaching a negotiated resolution through this process.

The information and documents requested in the PMIR relate to a variety of topics, including the underlying environmental liability and property damage at the Augusta Site, as well as the historic insurance policies at issue in this matter. Plaintiffs have been providing the Defendant Insurers with responses to the information and documents responsive to the PMIR on a rolling basis. Plaintiffs' production is not yet complete. The parties continue to confer regarding the Defendant Insurers' information requests as the Plaintiffs work to locate additional documents and respond to the outstanding information in the PMIR. Upon conclusion of this information exchange, and allowing for sufficient time for the Defendant Insurers to review the produced materials, the parties will set a date and location for mediation.

The parties respectfully submit this joint status report to the Court. The parties will submit the next status report on March 16, 2020, absent further direction by the Court

Date: December 16, 2019

Respectfully submitted,

s/ Matthew Levin
Matthew Levin
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CERTIFICATE OF SERVICE

I hereby certify that I have on this day electronically file the foregoing **JOINT STATUS CONFERENCE STATEMENT** with the Clerk of the Court using the CM/ECF system, which will automatically send electronic mail notification of such filing to all attorneys of record.

Date: December 16, 2019

s/ Brook B. Roberts

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