

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,<sup>1</sup> 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 were required to file an initial joint status report on December 16, 2019, and subsequent status reports each 90 days thereafter while the matter is stayed, pending further order of the Court.

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<sup>1</sup> As these terms are defined in the Joint Status Report filed June 16, 2020 (Dkt. 39) and the Complaint for Declaratory Judgment filed in the adversary proceeding (Dkt. 1).

Plaintiffs and the Defendant Insurers jointly file this status report in compliance with the Court's order and report the following.

Since the last status report, the parties have made further progress toward mediation, including further exchange of certain information and documents facilitated in part by the mediator, Tim Gallagher of the Gallagher Law Group in Los Angeles, California. However, due in part to the continuing complications created by the pandemic and additional circumstances, it became apparent that the parties would not be able to conduct a productive mediation on the previously scheduled dates of September 23 and 24, 2020. As a result, discussions have been initiated with the mediator and with all parties to reschedule the mediation in order to make the process as fruitful as possible.

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

Date: September 17, 2020

Respectfully submitted,

*s/ 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: September 17, 2020

*s/ Brook B. Roberts* \_\_\_\_\_  
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