

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 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.

¹ As these terms are defined in the Joint Status Report filed March 19, 2020 (Dkt. 37) 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. On November 25, 2020, counsel for all parties participated in an initial session with the mediator. During that initial session, the parties discussed the various issues presented by the litigation, responded to questions regarding the background facts and each party's positions on key issues, and agreed to additional disclosures of information, with a plan to conduct a full mediation in the first quarter of 2021 on dates to be determined. Should the parties be unable to resolve their differences within the first quarter of 2021, Plaintiffs anticipate seeking to lift the stay and proceed with prosecuting their claims in this matter.

The parties respectfully submit this joint status report to the Court. The parties will submit the next status report on March 16, 2021, absent further direction by the Court.

Date: December 17, 2020

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 17, 2020

s/ Brook B. Roberts _____
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