

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

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

Chapter 11  
Case No. 20-\_\_\_\_ (\_\_\_)  
(Joint Administration Requested)

**EX PARTE MOTION OF THE DEBTORS FOR AN ORDER SUSPENDING ENTRY AND SERVICE OF STANDARD NOTICE OF COMMENCEMENT**

Aldrich Pump LLC and Murray Boiler LLC, as debtors and debtors in possession (together, the "Debtors"), hereby move the Court for the entry of an order suspending the entry and service of the standard notice of commencement of these chapter 11 cases. In support of this Motion, the Debtors respectfully represent as follows:

**Background**

1. On the date hereof, the Debtors commenced their reorganization cases (the "Chapter 11 Cases") by filing voluntary petitions for relief under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code").
2. The Debtors are authorized to continue to manage their property and operate their businesses as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.
3. A comprehensive description of the Debtors, their history, their assets and liabilities, and the events leading to the commencement of these Chapter 11 Cases can be found in the *Declaration of Ray Pittard in Support of First Day Pleadings* (the "Pittard Declaration")

<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.



and the *Declaration of Allan Tananbaum in Support of Debtors' Complaint for Injunctive and Declaratory Relief, Related Motions, and the Chapter 11 Cases* (together with the Pittard Declaration, the "First Day Declarations"), which were filed contemporaneously herewith and are incorporated herein by reference. In addition to the First Day Declarations, the Debtors have filed an Informational Brief to provide additional information about their asbestos litigation, related costs, and plans to address these matters in these Chapter 11 Cases.

#### **Jurisdiction**

4. This Court has subject matter jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

#### **Relief Requested**

5. The Debtors seek the entry of an order, on an *ex parte* basis, substantially in the form attached hereto as Exhibit A, suspending the entry and service of the standard *Notice of Chapter 11 Bankruptcy Case and Meeting of Creditors* automatically entered in chapter 11 cases filed in this jurisdiction (the "Standard Notice"), pursuant to sections 105(a) and 342 of the Bankruptcy Code, Rules 2002(m) and 9007 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Rule 9013-1(f) of the Rules of Practice and Procedure of the United States Bankruptcy Court for the Western District of North Carolina (the "Local Bankruptcy Rules"). The Debtors seek this relief in connection with, and in support of, their pending requests for (a) approval of an alternative form and manner of notice of commencement of these Chapter 11 Cases and (b) appointment of Kurtzman Carson Consultants LLC (the "Agent") as claims, noticing, and ballot agent in these Chapter 11 Cases, which were filed contemporaneously herewith and for which the Debtors are seeking an expedited hearing.

### Argument

6. Section 105(a) of the Bankruptcy Code provides that the "court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions" of the Bankruptcy Code. 11 U.S.C. § 105(a). Pursuant to Bankruptcy Rule 2002(m), the "court may from time to time enter orders designating the matters in respect to which, the entity to whom, and the form and manner in which notices shall be sent except as otherwise provided by these rules." Fed. R. Bankr. P. 2002(m).

7. Concurrently herewith, the Debtors have filed the *Motion of the Debtors for an Order: (I) Authorizing the Filing of (A) Consolidated Master List of Creditors and (B) Consolidated List of 20 Law Firms With Significant Asbestos Cases Against the Debtors in Lieu of Lists of 20 Largest Unsecured Creditors; (II) Approving Certain Notice Procedures for Asbestos Claimants; and (III) Approving the Form and Manner of Notice of Commencement of These Cases* (the "Notice Procedures Motion").

8. As set forth in the Notice Procedures Motion, the Debtors also have filed contemporaneously herewith the *Application of the Debtors for an Order Authorizing the Retention and Employment of Kurtzman Carson Consultants LLC as Claims, Noticing, and Ballot Agent* (the "Agent Application"), seeking authority to employ the Agent as, among other things, claims, noticing, and ballot agent in these Chapter 11 Cases. One of the Agent's responsibilities as claims, noticing, and ballot agent, if appointed and with the Court's consent, will be to serve a notice (the "Case Commencement Notice") of the commencement of these Chapter 11 Cases and the initial meeting of creditors under section 341(a) of the Bankruptcy Code (the "Section 341 Meeting"), substantially in the form attached as Exhibit A to the Notice Procedures Motion along with such changes as are agreed upon by the Office of the United States Bankruptcy Administrator for the Western District of North Carolina (the "Bankruptcy

Administrator"), in lieu of the Standard Notice. If the Notice Procedures Motion is granted, there will be no need for service of the Standard Notice.

9. Suspending service of the Standard Notice at least until the Court has had the opportunity to consider the relief requested in the Notice Procedures Motion and the Agent Application also will help avoid confusion that may result from the docketing and service of multiple case commencement notices. Without such *ex parte* relief as requested herein, the Standard Notice may be docketed and served prior to a hearing on the Notice Procedures Motion.

10. For these reasons, the Debtors respectfully request that an order be entered on an *ex parte* basis suspending entry and service of the Standard Notice pending an order of the Court with respect to the Notice Procedures Motion and the Agent Application, pursuant to which, if approved, the Debtors, through the Agent, will serve the Case Commencement Notice in the form and manner set forth therein or as otherwise ordered by the Court. Similar relief has been granted in this District. See In re DBMP LLC, No. 20-30080 (JCW) (Bankr. W.D.N.C. Jan. 24, 2020) (suspending entry of the standard notice of commencement and section 341 meeting pending a hearing to consider service of a custom notice); In re Bestwall LLC, No. 17-31795 (LTB) (Bankr. W.D.N.C. Nov. 2, 2017) (same); In re Kaiser Gypsum Co., Inc., No. 16-31602 (JCW) (Bankr. W.D.N.C. Oct. 3, 2016) (same).

#### **Notice**

11. Pursuant to Local Bankruptcy Rule 9013-1(f), the Debtors seek approval of this Motion on an *ex parte* basis. Nevertheless, the Debtors have served a copy of this Motion on: (a) the Bankruptcy Administrator; (b) the parties on the list of 20 law firms with significant representations of asbestos claimants filed with the Debtors' chapter 11 petitions; and (c) counsel to the Debtors' non-debtor affiliates, Trane Technologies Company LLC and Trane U.S. Inc.

The Debtors submit that, in light of the *ex parte* nature of the relief requested, no other or further notice need be provided.

**No Prior Request**

12. No prior request for the relief sought in this Motion has been made to this or any other Court in connection with these Chapter 11 Cases.

WHEREFORE, the Debtors respectfully request that the Court: (a) enter an order, substantially in the form attached hereto as Exhibit A, granting the relief requested herein; and (b) grant such other and further relief to the Debtors as the Court may deem just and proper.

Dated: June 18, 2020  
Charlotte, North Carolina

Respectfully submitted,

/s/ John R. Miller, Jr.

C. Richard Rayburn, Jr. (NC 6357)  
John R. Miller, Jr. (NC 28689)  
RAYBURN COOPER & DURHAM, P.A.  
227 West Trade Street, Suite 1200  
Charlotte, North Carolina 28202  
Telephone: (704) 334-0891  
Facsimile: (704) 377-1897  
E-mail: rrayburn@rcdlaw.net  
jmiller@rcdlaw.net

-and-

Brad B. Erens (IL Bar No. 06206864)  
Mark A. Cody (IL Bar No. 6236871)  
Caitlin K. Cahow (IL Bar No. 6317676)  
JONES DAY  
77 West Wacker  
Chicago, Illinois 60601  
Telephone: (312) 782-3939  
Facsimile: (312) 782-8585  
E-mail: bberens@jonesday.com  
macody@jonesday.com  
ccahow@jonesday.com  
(Admissions *pro hac vice* pending)

-and-

Gregory M. Gordon (TX Bar No. 08435300)  
JONES DAY  
2727 N. Harwood Street  
Dallas, Texas 75201  
Telephone: (214) 220-3939  
Facsimile: (214) 969-5100  
E-mail: gmgordon@jonesday.com  
(Admission *pro hac vice* pending)

PROPOSED ATTORNEYS FOR DEBTORS  
AND DEBTORS IN POSSESSION

**Exhibit A**

Proposed Order

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

In re

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

Debtors.

Chapter 11

Case No. 20-\_\_\_\_ (\_\_\_)

(Joint Administration Requested)

**EX PARTE ORDER SUSPENDING ENTRY  
AND SERVICE OF STANDARD NOTICE OF COMMENCEMENT**

This matter coming before the Court on the *Ex Parte Motion of the Debtors for an Order Suspending Entry and Service of Standard Notice of Commencement* (the "Motion"),<sup>2</sup> filed by the debtors and debtors in possession in the above-captioned cases (together, the "Debtors"); the Court having reviewed the Motion; the Court finding that (a) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, (b) venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409, (c) this is a core proceeding pursuant to 28 U.S.C. § 157(b), and (d) notice of the Motion was sufficient under the circumstances; and 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> Capitalized terms not otherwise defined herein have the meanings given to them in the Motion.

Court having determined that the legal and factual bases set forth in the Motion establish just cause for the *ex parte* relief granted herein;

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. The Clerk of this Court (the "Clerk") shall suspend entry and service of the Standard Notice pending further order of this Court to permit consideration of the Notice Procedures Motion and the Agent Application, which, if approved, will obviate the need for such notice and service by the Clerk.
3. Pursuant to Local Bankruptcy Rule 9013-1(f), any party shall be entitled to request that the Court reconsider entry of this Order by filing a motion for reconsideration within 14 days of service of this Order.
4. The Debtors are authorized and empowered to take all actions necessary to implement the relief granted in this Order.
5. This Court shall retain exclusive jurisdiction over any and all matters arising from or related to the implementation, enforcement, or interpretation of this Order.

This Order has been signed electronically.  
The Judge's signature and Court's seal appear  
at the top of the Order.

United States Bankruptcy Court