

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 EXTENDING THE TIME WITHIN WHICH THEY MUST FILE THEIR (A) SCHEDULES OF ASSETS AND LIABILITIES AND (B) STATEMENTS OF FINANCIAL AFFAIRS**

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 extending the time within which they must file their (a) schedules of assets and liabilities and (b) statements of financial affairs. In support of this Motion, the Debtors respectfully represent as follows:

**Background**

1. On the date hereof (the "Petition Date"), 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. Pursuant to sections 105(a) and 521 of the Bankruptcy Code, Rules 1007(c) and 9006(b) 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 hereby seek the entry of an order, substantially in the form attached hereto as Exhibit A, extending the time within which the Debtors must file their (a) schedules of assets and liabilities and (b) statements of financial affairs (items (a) and (b) together, the "Schedules") until 46 days after the Petition Date, which is August 3, 2020.

#### **Argument**

6. Pursuant to section 521 of the Bankruptcy Code and Bankruptcy Rule 1007(c), a chapter 11 debtor must file its Schedules no later than 14 days after the date on which the debtor files its voluntary petition. The Debtors' Schedules therefore are due (absent any extension of time granted by the Court) by July 2, 2020. Bankruptcy Rules 1007(c) and

9006(b)(1), however, provide a bankruptcy court with the ability to extend a debtor's time to file its Schedules "for cause." See Fed. R. Bankr. P. 1007(c), 9006(b)(1). Further, pursuant to section 105(a) of the Bankruptcy Code, 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).

***Cause Exists to Extend the Time to File the Schedules***

7. Completing the Schedules requires the Debtors to collect, review, and assemble a substantial amount of information. Together, the Debtors' records reflect that they are defendants in nearly 100,000 asbestos-related lawsuits. As a result, these Chapter 11 Cases will involve tens of thousands of creditors and other parties in interest.

8. Given (a) the large number of creditors and (b) the critical matters that the Debtors and their professionals were required to address prior to the commencement of these Chapter 11 Cases, the Debtors were not in a position to complete the Schedules by the Petition Date, even with the assistance of professionals. The Debtors further estimate that, with the many critical matters to be addressed in the early days of these Chapter 11 Cases, the Debtors will require more than 14 days after the Petition Date to complete this substantial and important task.

9. The additional time requested is important to help ensure that the Schedules are as accurate as possible. Given the volume of information that is provided in the Schedules, and the fact that the information must be accurate as of the Petition Date, additional time to complete the Schedules will help ensure that the relevant information is fully collected and evaluated and can be incorporated into the relevant filings. Rushing to complete the Schedules soon after the Petition Date, on the other hand, could compromise their completeness.

10. The size and complexity of these Chapter 11 Cases and the volume of materials that must be compiled and reviewed by the Debtors' limited staff to complete the Schedules during the hectic early days of this restructuring provide ample "cause" to justify the requested extension. Accordingly, the Debtors respectfully request that the Court extend the date by which the Schedules must be filed pursuant to Bankruptcy Rule 1007(c) by an additional 32 days, through and including August 3, 2020, without prejudice to the Debtors' right to seek further extensions of such period upon a showing of cause, pursuant to Bankruptcy Rule 1007.

11. In large chapter 11 cases such as these, courts in this District have routinely found cause to extend the deadlines imposed by Bankruptcy Rule 1007. See, e.g., In re DBMP LLC, No. 20-30080 (JCW) (Bankr. W.D.N.C. Jan. 24, 2020) (granting an additional 32 days to file schedules and statements); In re Bestwall LLC, No. 17-31795 (LTB) (Bankr. W.D.N.C. Nov. 6, 2017) (same); In re Kaiser Gypsum Co., Inc., No. 16-31602 (JCW) (Bankr. W.D.N.C. Oct. 7, 2016) (granting an additional 31 days to file schedules and statements); In re Garlock Sealing Techs. LLC, No. 10-31607 (JCW) (Bankr. W.D.N.C. June 8, 2010) (same).

#### **Notice**

12. 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**

13. 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.

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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 EXTENDING THE TIME WITHIN WHICH  
THE DEBTORS MUST FILE THEIR (A) SCHEDULES OF ASSETS  
AND LIABILITIES AND (B) STATEMENTS OF FINANCIAL AFFAIRS**

This matter coming before the Court on the *Ex Parte Motion of the Debtors for an Order Extending the Time Within Which They Must File Their (A) Schedules of Assets and Liabilities and (B) Statements of Financial Affairs* (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

<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.

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 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 time within which the Debtors must file their (a) schedules of assets and liabilities and (b) statements of financial affairs is extended through and including August 3, 2020, without prejudice to the Debtors' right to seek further extensions of such deadline upon a showing of cause therefor.

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