

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 ENTRY OF AN ORDER  
(I) SHORTENING THE NOTICE PERIOD ON FIRST DAY PLEADINGS FILED  
BY THE DEBTORS, (II) LIMITING THE NOTICE ON FIRST DAY PLEADINGS,  
(III) SCHEDULING AN EMERGENCY HEARING ON FIRST DAY PLEADINGS, AND  
(IV) APPROVING THE FORM AND MANNER OF LIMITED NOTICE THEREOF**

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 (a) shortening the notice period on certain first day pleadings filed by the Debtors, (b) limiting the notice on the first day pleadings, (c) scheduling an emergency hearing on certain first day pleadings, and (d) approving the form and manner of limited notice thereof. 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.

<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.



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") and the *Declaration of Allan Tananbaum in Support of Debtors' Complaint for Injunctive and Declaratory Relief, Related Motions, and the Chapter 11 Cases* (the "Tananbaum Declaration") and, 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,<sup>2</sup> pursuant to Rule 9006(c) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") and Rules 9006-1 and 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"): (a) shortening the notice period with respect to, limiting notice of and scheduling an expedited hearing (the "First Day Hearing") on certain first day pleadings filed by the Debtors

---

<sup>2</sup> The proposed form of order is attached hereto as Exhibit A.

contemporaneously herewith (collectively, the "First Day Pleadings") and (b) approving the form and manner of notice thereof (the "First Day Notice"), which is attached hereto as Exhibit B.

### Argument

6. Contemporaneously herewith, the Debtors filed the First Day Pleadings, by which they seek certain relief on an emergency basis. The First Day Pleadings for which the Debtors seek an emergency hearing consist of the following:

- (a) *Motion of the Debtors for an Order Directing the Joint Administration of Their Chapter 11 Cases* [Dkt. 3];
- (b) *Application of the Debtors for an Order Authorizing the Retention and Employment of Kurtzman Carson Consultants LLC as Claims, Noticing, and Ballot Agent* [Dkt. 6];
- (c) *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* [Dkt. 7];
- (d) *Motion of the Debtors for Entry of an Order Establishing Certain Notice, Case Management, and Administrative Procedures* [Dkt. 8]; and
- (e) *Motion of the Debtors for an Order: (I) Approving the Continued Use of Their Bank Accounts, Cash Management System, and Business Forms; (II) Granting a Waiver of the Requirements of Section 345(b) of the Bankruptcy Code; and (III) Authorizing the Debtors' Banks to Charge Certain Fees and Other Amounts* [Dkt. 9].

7. The Debtors also filed the Pittard Declaration [Dkt. 27], the Tananbaum Declaration [Dkt. 29], and the Informational Brief [Dkt. 5], as well as certain motions and

professional retention applications on an *ex parte* basis.<sup>3</sup> Further, the Debtors have filed the following motions to be heard at a hearing following the First Day Hearing:

- (a) *Motion of the Debtors for an Order Authorizing the Retention and Compensation of Professionals Utilized by the Debtors in the Ordinary Course of Business* [Dkt. 17];
- (b) *Motion of the Debtors for an Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Retained Professionals* [Dkt. 18]; and
- (c) *Motion of the Debtors for an Order Authorizing Them to Perform Under Certain Intercompany Agreements With Non-Debtor Affiliate* [Dkt. 26].

8. The relief requested in each of the First Day Pleadings: (a) is essential to the Debtors' ability to successfully transition into chapter 11 and efficiently administer these Chapter 11 Cases; and (b) requires an expedited, emergency hearing. Accordingly, to allow the relief sought in the First Day Pleadings to be heard in an expedited manner, the Debtors respectfully request that the Court shorten the notice period for the First Day Pleadings, limit notice of the First Day Pleadings to the parties set forth below, and schedule an emergency hearing on the First Day Pleadings to be held as soon after the Petition Date as the Court's schedule permits.

9. Courts in this District have granted similar relief expediting consideration of first day motions in other large chapter 11 cases. See, e.g., In re DBMP LLC, No. 20-30080 (JCW) (Bankr. W.D.N.C. Jan. 24, 2020) (granting an expedited hearing on first day pleadings); In re Bestwall LLC, No. 17-31795 (LTB) (Bankr. W.D.N.C. Nov. 2, 2017) (same); In re Mizan

---

<sup>3</sup>. In addition, the Debtors filed certain pleadings in an adversary proceeding they commenced on the Petition Date styled Aldrich Pump LLC and Murray Boiler LLC v. Those Parties to Actions Listed on Appendix A to Complaint and John and Jane Does 1-1000 (the "Adversary Proceeding Pleadings"). The Debtors requested an emergency hearing on certain Adversary Proceeding Pleadings by a motion filed concurrently herewith. The Adversary Proceeding Pleadings and all other filings in these Chapter 11 Cases and the adversary proceeding may be accessed (a) at the Clerk of Court's office, (b) through the website maintained by the Debtors' claims, noticing, and ballot agent at <http://www.kccllc.net/aldrich> free of charge, or (c) through PACER on the Court's website at <https://www.ncwb.uscourts.gov> for a nominal fee.

Enters. Inc., No. 17-30601 (JCW) (Bankr. W.D.N.C. Apr. 18, 2017) (granting Debtor's motion to shorten notice period with respect to emergency first day motions); In re Tanner Cos., LLC, No. 17-40029 (JCW) (Bankr. W.D.N.C. Jan. 31, 2017) (granting an expedited hearing on first day pleadings); In re Kaiser Gypsum Co., Inc., No. 16-31602 (JCW) (Bankr. W.D.N.C. Oct. 3, 2016) (same).

10. The Debtors respectfully submit that their creditors and other parties in interest will not be prejudiced by the relief requested herein. On the contrary, expedited consideration of the relief requested in the First Day Pleadings will allow for more efficient and effective administration of these Chapter 11 Cases, which, among other things, will help preserve estate resources and ensure proper notice to parties in interest.

#### **Notice**

11. Pursuant to Local Bankruptcy Rule 9013-1(f), the Debtors seek approval of this Motion on an *ex parte* basis. Nevertheless, upon filing, the Debtors will cause this Motion to be served via e-mail, facsimile, hand delivery, or overnight carrier on the following parties (collectively, the "First Day Notice Parties"): (a) the Office of the United States Bankruptcy Administrator for the Western District of North Carolina; (b) the parties on the list of 20 law firms with significant representations of asbestos claimants filed with the Debtors' chapter 11 petitions; (c) counsel to the Debtors' non-debtor affiliates, Trane Technologies Company LLC and Trane U.S. Inc.; and (d) any other parties who received service of a First Day Pleading. The First Day Notice Parties include all parties on whom the First Day Pleadings were served, and represent parties on whom the First Day Pleadings may have a direct impact. The Debtors submit that, in light of the *ex parte* nature of the relief requested, no other or further notice of this Motion need be provided.

12. The Debtors propose to serve the First Day Notice on (a) the First Day Notice Parties and (b) any other party that has requested notice pursuant to Bankruptcy Rule 2002 as of the time of service, via e-mail, facsimile, hand delivery, or overnight carrier (the "First Day Notice Procedures"). The Debtors submit that, in light of the emergency nature of the relief requested, no other or further notice need be provided. Thus, the Debtors request that service of the First Day Notice, the First Day Pleadings, and this Motion in the form and manner described herein be deemed adequate and appropriate under the circumstances and substantially in compliance with the applicable provisions of the Bankruptcy Code, the Bankruptcy Rules, and the Local Bankruptcy Rules.

**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.

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 (I) SHORTENING THE NOTICE PERIOD ON FIRST DAY PLEADINGS FILED BY THE DEBTORS, (II) LIMITING THE NOTICE ON FIRST DAY PLEADINGS, (III) SCHEDULING AN EMERGENCY HEARING ON FIRST DAY PLEADINGS, AND (IV) APPROVING THE FORM AND MANNER OF LIMITED NOTICE THEREOF**

This matter coming before the Court on the *Ex Parte Motion of the Debtors for Entry of an Order (I) Shortening the Notice Period on First Day Pleadings Filed by the Debtors, (II) Limiting the Notice on First Day Pleadings, (III) Scheduling an Emergency Hearing on First Day Pleadings, and (IV) Approving the Form and Manner of Limited Notice Thereof* (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 First Day Declarations, and

<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.

the First Day Notice; 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), (d) notice of the Motion was sufficient under the circumstances, (e) *ex parte* relief is appropriate under Local Bankruptcy Rule 9013-1(f), (f) the exigency of the situation justifies an immediate hearing on the First Day Pleadings, and (g) service of the First Day Notice, the First Day Pleadings, and the Motion in the form and manner described in the Motion constitutes adequate and appropriate notice 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. An emergency hearing (the "First Day Hearing") shall be held before the Honorable [\_\_\_\_\_] on [\_\_\_\_], 2020 at [\_\_\_\_].m., prevailing Eastern Time at the United States Bankruptcy Court for the Western District of North Carolina, Charlotte Division, 401 West Trade Street, Charlotte, North Carolina 28202, in Courtroom [\_\_\_\_], to consider the relief requested in the First Day Pleadings.
3. The notice period for the First Day Pleadings is hereby shortened so that the Court can consider the relief requested therein at the First Day Hearing.
4. Notice of the First Day Pleadings is hereby limited to the First Day Notice Parties.

5. Service of the First Day Notice, in substantially the form attached to the Motion as Exhibit B,<sup>3</sup> in accordance with the First Day Notice Procedures constitutes adequate and appropriate notice of the First Day Hearing under the circumstances. No further or other notice of the First Day Hearing is necessary under the circumstances.

6. 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.

7. The Debtors are authorized and empowered to take all actions necessary to implement the relief granted in this Order.

8. 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

---

<sup>3</sup> The Debtors may update and revise the First Day Notice in accordance with this Order prior to service.

**Exhibit B**

First Day Notice

**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)

**NOTICE OF CHAPTER 11 FILING AND OF  
EMERGENCY HEARING ON FIRST DAY PLEADINGS**

**PLEASE TAKE NOTICE THAT** Aldrich Pump LLC and Murray Boiler LLC, the debtors and debtors in possession in the above-captioned cases (together, the "Debtors"), filed voluntary petitions under chapter 11 of title 11 of the United States Code in the United States Bankruptcy Court for the Western District of North Carolina on June 18, 2020 (the "Petition Date") and have filed the following pleadings on the Petition Date (collectively, the "First Day Pleadings"):

- (a) *Motion of the Debtors for an Order Directing the Joint Administration of Their Chapter 11 Cases* [Dkt. 3];
- (b) *Application of the Debtors for an Order Authorizing the Retention and Employment of Kurtzman Carson Consultants LLC as Claims, Noticing, and Ballot Agent* [Dkt. 6];
- (c) *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 the 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* [Dkt. 7];

---

<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.

- (d) *Motion of the Debtors for Entry of an Order Establishing Certain Notice, Case Management, and Administrative Procedures* [Dkt. 8]; and
- (e) *Motion of the Debtors for an Order: (I) Approving the Continued Use of Their Bank Accounts, Cash Management System, and Business Forms; (II) Granting a Waiver of the Requirements of Section 345(b) of the Bankruptcy Code; and (III) Authorizing the Debtors' Banks to Charge Certain Fees and Other Amounts* [Dkt. 9].

The Debtors also filed the *Declaration of Ray Pittard in Support of First Day Pleadings* [Dkt. 27], the *Declaration of Allan Tananbaum in Support of Debtors' Complaint for Injunctive and Declaratory Relief, Related Motions, and the Chapter 11 Cases* [Dkt. 29], and the *Informational Brief of Aldrich Pump LLC and Murray Boiler LLC* [Dkt. 5], as well as certain motions and applications on an *ex parte* basis.<sup>2</sup> Further, the Debtors have filed the following motions to be heard at a hearing following the First Day Hearing:

- (a) *Motion of the Debtors for an Order Authorizing the Retention and Compensation of Professionals Utilized by the Debtors in the Ordinary Course of Business* [Dkt. 17];
- (b) *Motion of the Debtors for an Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Retained Professionals* [Dkt. 18]; and
- (c) *Motion of the Debtors for an Order Authorizing Them to Perform Under Certain Intercompany Agreements With Non-Debtor Affiliate* [Dkt. 26].

**PLEASE TAKE FURTHER NOTICE THAT** an emergency hearing to consider the First Day Pleadings and the relief requested therein will be held before the

---

<sup>2</sup> In addition, the Debtors filed certain pleadings in an adversary proceeding they commenced on the Petition Date styled Aldrich Pump LLC and Murray Boiler LLC v. Those Parties to Actions Listed on Appendix A to Complaint and John and Jane Does 1-1000 (the "Adversary Proceeding Pleadings"). The Debtors requested an emergency hearing on certain Adversary Proceeding Pleadings by a motion filed on the Petition Date. The Adversary Proceeding Pleadings and all other filings in these Chapter 11 Cases and the adversary proceeding may be accessed (a) at the Clerk of Court's office, (b) through the website maintained by the Debtors' claims, noticing, and ballot agent at <http://www.kccllc.net/aldrich> free of charge, or (c) through PACER on the Court's website at <https://www.ncwb.uscourts.gov> for a nominal fee.

Honorable [\_\_\_\_\_] on [\_\_\_\_], [\_\_\_\_], 2020 at [\_\_\_\_].m. (prevailing Eastern Time) at the United States Bankruptcy Court for the Western District of North Carolina, Charlotte Division, 401 West Trade Street, Charlotte, North Carolina 28202, in Courtroom [\_\_\_\_\_].

Dated: June [\_\_\_\_], 2020  
Charlotte, North Carolina

Respectfully submitted,

---

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)