

FILED & JUDGMENT ENTERED
Steven T. Salata

August 18 2020

Clerk, U.S. Bankruptcy Court
Western District of North Carolina



J. Craig Whitley
J. Craig Whitley
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

In re

ALDRICH PUMP LLC, *et al.*,¹

Debtors.

Chapter 11

Case No. 20-30608 (JCW)

(Jointly Administered)

**AMENDED ORDER AUTHORIZING THE DEBTORS TO
RETAIN AND EMPLOY K&L GATES LLP AS SPECIAL
INSURANCE COUNSEL AS OF THE PETITION DATE**

This matter coming before the Court on the *Ex Parte Application of the Debtors for an Order Authorizing Them to Retain and Employ K&L Gates LLP as Special Insurance Counsel as of the Petition Date* [Dkt. No. 25] (the "Application"),² filed by the above-captioned debtors and debtors in possession (together, the "Debtors"); the Court having reviewed the Application, the McGonigle Declaration, the Disclosure of Compensation, and the Engagement Letters; and the Court having found 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

¹ 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.

² Capitalized terms not otherwise defined herein have the meanings given to them in the Application.



and 1409, (c) this is a core proceeding pursuant to 28 U.S.C. § 157(b), (d) notice of the Application was sufficient under the circumstances, (e) K&L Gates does not hold nor represent any interest materially adverse to the Debtors or their estates with respect to the matters on which K&L Gates is to be employed, as required by section 327(e) of the Bankruptcy Code, (f) the Debtor's retention and employment of K&L Gates is in the best interest of the estate as required by section 327(e) of the Bankruptcy Code, (g) the Application and all related schedules and exhibits fully comply with the Bankruptcy Code, the Bankruptcy Rules, the Local Bankruptcy Rules, and the Compensation Guidelines; and the Court having determined that the legal and factual bases set forth in the Application, the McGonigle Declaration, and the Disclosure of Compensation establish just cause for the relief granted herein;

IT IS HEREBY ORDERED THAT:

1. The Application is GRANTED.
2. This Order supersedes the *Ex Parte Order Authorizing the Debtors to Retain and Employ K&L Gates LLP as Special Insurance Counsel as of the Petition Date* [Dkt. No. 75].
3. The Debtors are authorized to retain and employ K&L Gates as their special insurance counsel in these Chapter 11 Cases, in accordance with section 327(e) of the Bankruptcy Code, Bankruptcy Rules 2014 and 2016, and Local Bankruptcy Rules 2014-1 and 2016-1, on the terms and conditions set forth in the Application and the Engagement Letters, as of the Petition Date.
4. K&L Gates is authorized to render the professional services set forth in the Application, the Engagement Letters, and the McGonigle Declaration.

5. K&L Gates will use its reasonable efforts to avoid any duplication of services provided by any of the Debtors' other professionals in the Chapter 11 Cases.

6. K&L Gates shall be compensated for its services and reimbursed for any related expenses as set forth in the Application and the exhibits thereto, and in accordance with applicable provisions of the Bankruptcy Code, the Bankruptcy Rules, the Local Bankruptcy Rules, the Interim Compensation Order, and any other applicable orders or procedures of this Court.

7. K&L Gates shall: (a) complete its reconciliation of prepetition fees and expenses actually incurred prior to the Petition Date no later than the filing of its first interim fee application in these Chapter 11 Cases; (b) make a corresponding adjustment to the amount of the Retainers on or about that date, as described in the Application and the exhibits thereto; and (c) disclose such adjustment in its first interim fee application. Subject to the foregoing adjustment, K&L Gates is authorized to hold any remaining amount of the Retainers following such reconciliation in a trust account subject to the terms of any Interim Compensation Order entered in these Chapter 11 Cases.

8. K&L Gates shall not apply any portion of the Retainers to fees and expenses incurred from and after the Petition Date unless and until authorized to do so by a further order of this Court, including an Interim Compensation Order.

9. To the extent that the Official Committee of Asbestos Personal Injury Claimants appointed in these Chapter 11 Cases (the "Committee") discovers any facts or circumstances that indicate that K&L Gates has a conflict of interest, the Committee's right to seek at that time any appropriate relief is fully preserved.

10. To the extent that the terms of this Order are inconsistent with the terms of the Engagement Letters, the terms of this Order shall control.

11. This Order shall immediately be effective and enforceable upon its entry.

12. The Debtors are authorized and empowered to take all actions necessary to implement the relief granted in this Order in accordance with the Application.

13. This Court shall retain exclusive jurisdiction over any and all matters arising from or related to the implementation, interpretation, or enforcement 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