

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

In re:

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

Debtors.

ALDRICH PUMP LLC and MURRAY  
BOILER LLC,

Plaintiffs,

v.

THOSE PARTIES TO ACTIONS LISTED ON  
APPENDIX A TO COMPLAINT and JOHN  
AND JANE DOES 1-1000,

Defendants.

Chapter 11

Case No. 20-30608 (JCW)

(Jointly Administered)

Adversary Proceeding

No. 20-03041 (JCW)

**MOTION TO FILE CONFIDENTIAL DOCUMENTS UNDER SEAL**

The Official Committee of Asbestos Personal Injury Claimants (the “**Committee**” or the “**Movant**”), by and through undersigned counsel, pursuant to 11 U.S.C. § 105(a), 11 U.S.C. § 107(b), Rule 9018 of the Federal Rules of Bankruptcy Procedure, Rule 6.1 of the Rules of Practice and Procedure of the United States District Court for the Western District of North Carolina and Section I.1. of the Agreed Protective Order Governing Confidential Information (Case No. 20-30608; ECF No. 345) entered on September 23, 2020 (“**Protective Order**”), hereby files this Motion for an Order authorizing the filing of certain confidential documents under seal and/or in

<sup>1</sup> The Debtors are the following entities (the last four digits of the Debtors’ taxpayer identification numbers follow in parentheses): Aldrich Pump, LLC (2290) and Murray Boiler LLC (0679). The Debtors’ address is 800 E. Beatty Street, Davidson, North Carolina 28036.



a redacted format related to the *Reply in Further Support of the Motion of the Official Committee of Asbestos Personal Injury Claimants to Compel the Debtors and Non-Debtor Affiliates to (I) Provide Testimony Regarding Certain Matters and (II) Produce Certain Withheld Documents* [Adv. Dkt. No. 190](the “**Reply In Support of Motion to Compel**”). The confidential documents to be sealed and/or redacted are as follows:

- Exhibit L. Excerpts from the deposition transcript of Evan Turtz, April 5, 2021(the “**Confidential Deposition Excerpts**”).
- References to the Confidential Deposition Excerpts and references to other information designated as confidential contained in the body of the Reply In Support of Motion to Compel which are being redacted.

In support, the Movant respectfully states as follows:

1. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334, and this matter is a core proceeding within the meaning of 28 U.S.C. § 157(b).<sup>2</sup>
2. The statutory bases for the relief requested herein are 11 U.S.C. § 105(a), 11 U.S.C. § 107(b) and Federal Rule of Bankruptcy Procedure 9018. 11 U.S.C. § 105(a) gives this Court authority to “issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.” The Bankruptcy Code authorizes the Court, in appropriate circumstances, to issue orders to protect entities from potential harm that may result from the disclosure of confidential information. 11 U.S.C. § 107(b). Federal Rule of Bankruptcy Procedure 9018 provides that “[o]n motion or on its own initiative, with or without notice, the court may make any order which justice requires (1) to protect the estate or any entity in respect of . . . confidential . . .

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<sup>2</sup> The Committee reserves all rights to object to the Court’s jurisdiction with respect to granting a preliminary injunction protecting non-debtors, and nothing in this request for relief is intended to waive such an argument or act as the Committee’s consent to the appropriateness of jurisdiction here.

commercial information.”

3. The Protective Order was entered on or about September 23, 2020.<sup>3</sup> The Protective Order governs the Parties’ rights and obligations with respect to “Confidential Information,” defined in the order as:

[I]nformation, documents, or things produced or provided (formally or informally) by the Disclosing Party that such Disclosing Party or a Designating Party reasonably believes in good faith contains confidential, proprietary or commercially sensitive information including, but not limited to (a) trade secrets, (b) proprietary business information, and (c) information implicating an individual’s legitimate expectation of privacy, including medical information and social security numbers. This term shall include information furnished or otherwise disclosed in any manner, including, without limitation, in written form, orally or through any electronic, facsimile or computer-related communication, and also shall include, without limitation, (i) those portions of deposition testimony (whether based upon oral examination or written questions), answers to interrogatories, requests for admissions, responses to requests for admission, notes, summaries, compilations, memoranda, or similar materials disclosing or discussing Confidential Information and (ii) any Oral Confidential Information.

Protective Order [Case No. 20-30608, ECF No. 345, at 3-4].

4. Section I (Disclosure of Covered Information in the Bankruptcy Proceedings), subparagraph 1 (Protection of Covered Information) of the Protective Order provides that:

[T]he Party seeking to use Covered Information in the Court may file a Motion to Seal pursuant to Rule 9037-1 of the Rules of Practice and Procedure of the United States Bankruptcy Court for the Western District of North Carolina and Local Civil Rule 6.1 of the Rules of Practice and Procedure of the United States District Court for the Western District of North Carolina, as appropriate; provided that (a) pending a ruling on such Motion to Seal or other agreement or Court order that permits the public filing of the materials at issue, the Parties shall maintain the confidentiality of the Covered Information; (b) where necessary, the moving party may file a redacted copy of its Motion to Seal, brief or other relevant materials, eliminating the Covered Information; and (c) the moving party may provide an unredacted copy of these materials to the Court under seal to assist in its consideration of the Motion to Seal.

Protective Order [Case No. 20-30608, Dkt. No. 345, at 15].

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<sup>3</sup> On October 15, 2020, the Future Claimants’ Representative elected to become a party to the Protective Order. *See Notice of Election of Future Claimants Representative to Become a Party to Modified Protective Order* [Case No. 20-30608, Dkt. No. 395].

5. Under Section C.2. of the Protective Order, deposition transcripts are deemed “Confidential” for a period of 30 days following receipt of a transcript by the Designating Party. Protective Order [Case No. 20-30608, Dkt. No. 345, at 15]. The Confidential Deposition Excerpts are “Confidential Information” since the 30-day period following receipt of the transcripts by the Designating Party has not expired in relation to such deposition. Additionally, certain Exhibits to other deposition transcripts referenced in footnote 7 in the Reply In Support of Motion to Compel have been designated as confidential under the Protective Order (together with the Confidential Deposition Excerpts, the “**Confidential Information**”). The parties have not reached an agreement that avoids the need to file the Confidential Information under seal. Therefore, the Movant is bringing this motion to comply with the terms of the Protective Order and the designation of this material as Confidential thereunder.

6. Because it is necessary that the Movant include in its filings references to deposition transcripts and exhibits to deposition transcripts that are “Confidential Information” under the Protective Order, the Movant filed the Reply In Support of Motion to Compel with redactions in the body of the Reply of the Confidential Information, and a sealed copy of Exhibit L to the Reply In Support of Motion to Compel.

7. The Committee will work with the Debtors to determine which, if any, Confidential Information may be unsealed. By filing this motion, the Committee is not taking a position as to whether the materials were appropriately designated as “Confidential.”

8. As provided for in the Protective Order, the Movant will deliver an unredacted copy of the Confidential Information to this Court.

WHEREFORE, the Movant respectfully requests that the Court enter an order substantially in the form attached hereto as **Exhibit A**: (a) authorizing the filing of the Confidential Information

under seal; (b) providing that any portion of a hearing requiring the disclosure of the confidential information be conducted *in camera*, and (c) granting such other and further relief to the Committee as the Court may deem proper.

Dated: April 27, 2021

HAMILTON STEPHENS STEELE  
+ MARTIN, PLLC

/s/ Robert A. Cox, Jr.

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**EXHIBIT A**

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

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In re

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

Debtors.

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ALDRICH PUMP LLC, *et al.*,

Plaintiffs,

v.

THOSE PARTIES LISTED ON APPENDIX  
A TO COMPLAINT and JOHN AND JANE  
DOES 1-1000,

Defendants.

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Chapter 11

Case No. 20-30608

Adv. Pro. No. 20-03041

**ORDER GRANTING MOTION OF THE OFFICIAL COMMITTEE OF ASBESTOS  
PERSONAL INJURY CLAIMANTS  
TO FILE CONFIDENTIAL DOCUMENTS UNDER SEAL**

Upon consideration of the Motion of the Official Committee of Asbestos Personal Injury

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<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.

Claimants (the “Committee”) to file confidential documents under seal (the “Motion”); and the Committee having demonstrated upon the record herein good cause for the relief requested in the Motion; and after due deliberation

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. The Confidential Information (as defined in the Motion) contained in and/or attached to the *Reply in Further Support of the Motion of the Official Committee of Asbestos Personal Injury Claimants to Compel the Debtors and Non-Debtor Affiliates to (I) Provide Testimony Regarding Certain Matters and (II) Produce Certain Withheld Documents* [Adv. Dkt. No. 190] (the “**Reply**”) are to remain filed on the public docket in a redacted format.
3. The references in the Reply to the Confidential Information are to be redacted from the version of the Reply filed on the public docket.
4. This Court shall retain jurisdiction with respect to all matters relating to the interpretation or implementation of this Order.

This order has been signed electronically. The Judge's signature and Court's seal appear at the top of this Order.	United States Bankruptcy Court Western District of North Carolina
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**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. 20-30608 (JCW)

(Jointly Administered)

ALDRICH PUMP LLC and MURRAY  
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Plaintiffs,

v.

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THOSE PARTIES TO ACTIONS LISTED ON  
APPENDIX A TO COMPLAINT and JOHN  
AND JANE DOES 1-1000,

Defendants.

No. 20-03041 (JCW)

**NOTICE OF HEARING**

PLEASE TAKE NOTICE that The Official Committee of Asbestos Personal Injury Claimants (the “**Committee**”) filed a *Motion to File Confidential Documents Under Seal* (the “**Motion**”) related to the *Reply in Further Support of the Motion of the Official Committee of Asbestos Personal Injury Claimants to Compel the Debtors and Non-Debtor Affiliates to (I) Provide Testimony Regarding Certain Matters and (II) Produce Certain Withheld Documents* [Adv. Dkt. No. 190].

PLEASE TAKE FURTHER NOTICE that your rights may be affected by this Motion. You should read the Motion carefully and discuss it with your attorney. If you do not have an attorney, you may wish to consult with one.

PLEASE TAKE FURTHER NOTICE that if you do not want the Court to grant the relief requested in the Motion, or if you oppose it in any way, then on or before **May 13, 2021** you MUST:

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<sup>1</sup> The Debtors are the following entities (the last four digits of the Debtors’ taxpayer identification numbers follow in parentheses): Aldrich Pump, LLC (2290) and Murray Boiler LLC (0679). The Debtors’ address is 800 E. Beatty Street, Davidson, North Carolina 28036.

1. File a formal, written response with the Bankruptcy Court at:  
  
Clerk, United States Bankruptcy Court  
Charles Jonas Federal Building  
401 West Trade Street  
Charlotte, North Carolina 28202
2. Serve a copy of your response on all parties in interest, including:
  - a) U.S. Bankruptcy Administrator  
402 West Trade Street  
Charlotte, NC 28202
  - b) HAMILTON STEPHENS STEELE + MARTIN, PLLC  
Glenn C. Thompson  
525 North Tryon Street, Suite 1400  
Charlotte, North Carolina 28202
  - c) ROBINSON & COLE LLP  
Natalie D. Ramsey  
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1000 N. West Street, Suite 1200  
Wilmington, Delaware 19801
  - d) CAPLIN & DRYSDALE, CHARTERED  
Kevin C. Maclay  
Todd E. Phillips  
James P. Wehner  
One Thomas Circle NW, Suite 1100  
Washington, DC 20005
  - e) WINSTON & STRAWN LLP  
David Neier  
Carrie V. Hardman  
200 Park Avenue  
New York, NY 10166

If you do not want the Court to grant the relief requested in the Motion or if you want the Court to consider your views on the Motion, then you or your attorney should attend the hearing on **May 27, 2021 at 9:30 a.m.** before the Honorable J. Craig Whitley at the United States Bankruptcy Court, Charles Jonas Federal Building, Courtroom 2B, 401 West Trade Street, Charlotte, North Carolina 28202.

PLEASE TAKE FURTHER NOTICE that the Court may grant the relief requested in the Motion. No further notice of the hearing on the Motion will be given.

Dated: April 27, 2021  
Charlotte, North Carolina

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