

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

In re

ALDRICH PUMP LLC, *et al.*¹

Debtors.

Chapter 11

Case No. 20-30608 (JCW)

ARMSTRONG WORLD INDUSTRIES, INC.
ASBESTOS PERSONAL INJURY
SETTLEMENT TRUST *et al.*

Plaintiffs,

v.

ALDRICH PUMP LLC, *et al.*

Defendants.

Miscellaneous Proceeding

No. 22-00303 (JCW)

(Transferred from District of Delaware)

**EX PARTE MOTION TO SHORTEN NOTICE ON MOTION TO STRIKE, OR IN THE
ALTERNATIVE, MOTION TO CONTINUE HEARING ON DEBTOR'S MOTION FOR
RECONSIDERATION**

The Delaware Claims Processing Facility (the “DCPF”) files this motion pursuant to section 105(a) of the Bankruptcy Code, Rules 9006 and 2002 of the Federal Rules of Bankruptcy Procedure, and Rule 9006-1 of the Local Rules of Practice and Procedure for the United States Bankruptcy Court for the Western District of North Carolina, requesting shortened notice of the hearing on the DCPF’s *Motion to Strike, Or In the Alternative, Motion to Continue Hearing on Debtor’s Motion for Reconsideration* [D.I. 74] filed contemporaneously herewith (the “Motion to Strike”), and in support of this motion respectfully states the following:

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.



1. The Debtors served a subpoena on the DCPF on July 5, 2022 (the “Subpoena”).² The DCPF timely filed a motion to quash the Subpoena in the United States District Court for the District of Delaware on July 25, 2022 (the “Motion to Quash”).³ The Delaware District Court transferred the Motion to Quash to this Court for hearing.⁴

2. In the Motion to Quash, the DCPF argued, among other things, that the Subpoena should be quashed because it failed to limit the information sought to a 10% sample of claims as required by the Delaware District Court in its prior ruling quashing a similar subpoena issued by Bestwall.⁵

3. On November 30, 2022, the Court held a hearing on the Motion to Quash. At the conclusion of that hearing, the Court issued its ruling that discovery from the DCPF should be limited to a 10% random sample of claims.⁶

4. On March 9, 2023, the Debtors filed *Debtors’ Motion For Rehearing Concerning The Issue of Sampling On DCPF’s Subpoena-Related Motions* [D.I. 54] (the “Reconsideration Motion”). In support of the Reconsideration Motion, the Debtors filed the *Declaration of Charles H. Mullin, PH.D.* [D.I. 55] (the “Mullin Declaration”). A hearing on the Reconsideration Motion is currently scheduled for March 30, 2023.

² Case No. 22-00303 [D.I. 54, ¶ 1].

³ *Delaware Claims Processing Facility, LLC’s (I) Motion To Quash Or Modify Subpoena And (II) Joinder*, Case No. 22-00303 [D.I. 4-2].

⁴ Case No. 22-00303 [D.I. 1].

⁵ *See In re Bestwall LLC*, Case No. 17-BK-31795 (LTB), 2021 WL 2209884 (D. Del. June 1, 2021).

⁶ *See* Nov. 30, 2022 Hr’g. Tr. at 76:12-77:10.

5. Contemporaneously with the filing of this motion, the DCPF filed the Motion to Strike to request that the Court strike the Mullin Declaration submitted in support of the Reconsideration Motion.

6. The DCPF files this motion to shorten notice so that the Motion to Strike may be heard at the same time as the hearing on the Reconsideration Motion. Given the nature of the relief requested, the DCPF does not believe that the proposed notice period will prejudice any party in interest.

7. The DCPF understands that eight third-party asbestos settlement trusts (collectively, the “Verus Trusts”)⁷ and Verus Claim Services, LLC (“Verus” and, together with the Verus Trusts, the “Verus Parties”) filed motions to adjourn the hearing on the Reconsideration Motion, and that those motions to adjourn may be heard prior to the currently scheduled March 30 hearing on the Reconsideration Motion. However, as of the filing of this motion, the Reconsideration Motion is still set to be heard on March 30. Accordingly, the DCPF believes it necessary to file this motion to shorten notice to ensure that its Motion to Strike can be heard on March 30 if the hearing on the Reconsideration Motion proceeds that day.

8. To be clear, however, the DCPF has no opposition to the Verus Parties’ motions to adjourn the hearing on the Reconsideration Motion. In the event the Court grants this motion to shorten notice but subsequently adjourns the hearing on the Reconsideration Motion, the DCPF will re-notice the hearing on its Motion to Strike for whatever date the Court ultimately sets as the hearing date for the Reconsideration Motion.

⁷ The eight trusts are: (i) ACandS Asbestos Settlement Trust; (ii) Combustion Engineering 524(g) Asbestos PI Trust; (iii) G-I Holdings Inc. Asbestos Personal Injury Settlement Trust; (iv) GST Settlement Facility; (v) Kaiser Aluminum & Chemical Corporation Asbestos Personal Injury Trust; (vi) Quigley Company, Inc. Asbestos PI Trust; (vii) T H Agriculture & Nutrition, L.L.C. Asbestos Personal Injury Trust; and (viii) Yarway Asbestos Personal Injury Trust.

WHEREFORE, for the reasons set forth above, the DCPF respectfully requests that the Court enter an order:

1. Shortening the notice period to permit a hearing on the Motion to Strike on **March 30, 2023 at 9:30 a.m.**, or on such other date and time as the Court may set the Reconsideration Motion for hearing and;
2. Granting such other and further relief as the Court deems just and appropriate.

Date: March 23, 2023

Respectfully submitted,

/s/ Felton E. Parrish
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CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of March, 2023, a true and correct copy of the foregoing was served electronically by the Court's CM/ECF system on those parties that have filed a notice of appearance in this case and have agreed to accept service via CM/ECF.

/s/ Felton E. Parrish
Felton Parrish