

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

| | | |
|--|---|--|
| ARMSTRONG WORLD INDUSTRIES, INC. ASBESTOS PERSONAL INJURY SETTLEMENT TRUST <i>et al.</i>, |) | |
| |) | |
| |) | Miscellaneous Proceeding |
| |) | |
| Plaintiffs, |) | No. 22-00303 (JCW) |
| |) | |
| |) | (Transferred from District of Delaware) |
| v. |) | |
| |) | |
| |) | |
| ALDRICH PUMP LLC, <i>et al.</i>, |) | |
| |) | |
| Defendants. |) | |
| |) | |
| |) | |
| |) | |
| |) | |
| IN RE: |) | Chapter 11 |
| |) | |
| ALDRICH PUMP LLC, <i>et al.</i>,¹ |) | Case No. 20-30608 |
| |) | |
| Debtors. |) | |

**EX PARTE MOTION TO SHORTEN NOTICE AND SET HEARING ON MOTION OF
THIRD PARTY VERUS CLAIM SERVICES, LLC FOR ADJOURNMENT AND
RELATED RELIEF**

Verus Claim Services, LLC (“Verus”) 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 of the United States Bankruptcy Court for the Western District of North Carolina, requesting shortened notice of the hearing on Verus’ Motion

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.



203060823032400000000009

of Third Party Verus Claim Services, LLC for Adjournment and Related Relief filed March 22, 2023 (the “Motion”), and in support of this Motion respectfully states the following:

1. In a February hearing before this Court, Debtors informed the Court of their intent to move for reconsideration of the Court’s prior ruling on the 10% sampling issue as it relates to certain subpoenas, the outcome of which motion would also affect subpoenas served by Debtors on Verus (the “Trust Subpoenas”). The Trust Subpoenas sought discovery of thousands of confidential asbestos claims submitted to the eight third-party asbestos settlement trusts commonly referred to as the Verus Trusts², for which Verus operates as the claims processing servicer.

2. At the time of the February hearing, Verus had not obtained local counsel following the transfer of its pending motion to quash from the District of New Jersey or otherwise appeared for the February hearing because of its understanding that Debtors and Claimants’ counsel were actively negotiating a resolution for the Trust Subpoenas. Verus was also not provided with any notice that any prior ruling that might have an effect on the scope of the Trust Subpoenas would be discussed at the February hearing.

3. Ultimately, on March 9, 2023, the Debtors filed Debtors’ Motion for Rehearing Concerning The Issue of Sampling on DCPF’s Subpoena-Related Motions. (Dkt. No. 54) (the “Reconsideration Motion”). A hearing on the Reconsideration Motion is currently scheduled for March 30, 2023.

² 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.

4. Verus attempted to resolve the dispute with the Debtors and gain Debtors' consent to adjourn the March 30, 2023 hearing given its potential impact on the treatment of the Trust Subpoenas

5. On March 21, 2023, the Verus Trusts filed their Third Party Asbestos Trusts' Motion for Adjournment and Related Relief (the "Trusts' Motion") (Dkt. No. 58) seeking, among other things, to have the March 30, 2023 hearing adjourned.

6. On March 22, 2023, the Court ordered via an email from Chambers that a hearing on the Trusts' Motion be set for March 30, 2023 at 9:30 a.m., directly proceeding the previously noticed hearing on the Reconsideration Motion.

7. Also on March 22, 2023, Verus' counsel filed a notice of appearance and subsequently Verus' Motion, (Dkt. No. 61), joining in on the arguments raised by the Trusts' and requesting the same relief sought by the Trusts.

8. Verus files this motion to shorten notice so that its Motion may be heard at the same time as the hearing on the Trusts' Motion. Given the nature of the relief requested and the commonality of the arguments raised as between the Verus Trusts and Verus, Verus does not believe that the proposed notice period will prejudice any party in interest.

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

1. Shortening the notice period to permit a hearing on the Motion on March 30, 2023 at 9:30 a.m. and;
2. Granting such other and further relief as the Court deems just and proper.

Respectfully submitted, this the 24th day of March, 2023.

BRADLEY ARANT BOULT CUMMINGS LLP

/s/Anna-Bryce Hobson

Anna-Bryce Hobson (NC Bar No. 54260)
214 North Tyron Street, Suite 3700
Charlotte, NC 28202
Telephone: (704) 338-6047
E-mail: ahobson@bradley.com

Counsel for Verus Claim Services, LLC

-and-

ANSELM & CARVELLI, LLP

/s/Andrew E. Anselmi

Andrew E. Anselmi (Pro Hac Vice)
Zachary D. Wellbrock (Pro Hac Vice)
56 Headquarters Plaza
West Tower, Fifth Floor
Morristown, New Jersey 07960
Telephone: (973) 635-6300
E-mail: aanselmi@acllp.com
E-mail: zwellbrock@acllp.com

Proposed Co-Counsel for Verus Claim Services, LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 24th 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/Anna-Bryce Hobson
Anna-Bryce Hobson