

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

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)

In re

ALDRICH PUMP LLC, *et al.*,¹

Debtors.

Chapter 11

Case No. 20-30608

EX PARTE MOTION FOR ORDER SHORTENING NOTICE

Aldrich Pump LLC and Murray Boiler LLC, as debtors and debtors in possession (together, the “Debtors”), hereby file this *Ex Parte* Motion for Order Shortening Notice (the “Motion to Shorten Notice”) requesting shortened notice of the hearing Debtors’ Motion to Strike Pleadings Filed by Non-Party Certain Matching Claimants (the “Motion”), filed contemporaneously herewith. In support of the Motion to Shorten Notice, the Debtors respectfully state as follows:

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 Court has jurisdiction over this Motion to Shorten Notice under 28 U.S.C. §§ 157 and 1334. This is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2). Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The statutory bases for relief requested herein are section 105(a) of the Bankruptcy Code and 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 Western District of North Carolina.

3. On March 23, 2023, Certain Matching Claimants filed their Certain Matching Claimants' Pleadings² in response to *Debtors' Motion for Rehearing Concerning the Issue of Sampling on DCPF's Subpoena-Related Motions* [Docket No. 54] (the "Rehearing Motion"). The Certain Matching Claimants did so without identifying themselves and in disregard of the Court's orders denying their motions to proceed anonymously as more fully described by the Motion.

4. Presumably, by filing the Certain Matching Claimants' Pleadings, the Certain Matching Claimants intend to argue during the March 30, 2023, omnibus hearing. Given that the Certain Matching Claimants have still not identified themselves, the Debtors believe that a threshold issue is whether they may continue to ask this Court for relief and otherwise participate in these proceedings without first disclosing their identities as required by the Orders Denying Anonymity.

5. Contemporaneously with the filing of this Motion to Shorten Notice, the Debtors filed the Motion and a Notice of Hearing with respect to the Motion, setting the hearing thereon for the next omnibus hearing scheduled for March 30, 2023, at 9:30 a.m. EDT (the "Proposed

² Unless otherwise defined herein, capitalized terms shall have the definition given to them by the Motion.

Hearing Date”). The Notice of Hearing sets a deadline of March 29, 2023, (the “Response Date”) to respond to the Motion. The Debtors therefore request that the Court shorten the response deadline to the Response Date.

6. No prior request for the relief sought herein has been made to this Court or to any other court.

WHEREFORE, the Debtors respectfully request that the Court enter an order substantially in the form of Exhibit A: (a) shortening the notice period to permit a hearing on the Motion on March 30, 2023, at 9:30 a.m. (EDT) or as soon as thereafter as the Court is able to hear the matter, in the United States Bankruptcy Court for the Western District of North Carolina, 401 West Trade Street, Charlotte, North Carolina 28202, and providing that any objection or response to the Motion be filed no later than March 29, 2022; and (b) grant such other and further relief to the Debtors as the Court may deem just and proper.

Dated: March 27, 2023
Charlotte, North Carolina

Respectfully submitted,

/s/ Matthew L. Tomsic

John R. Miller, Jr. (NC 28689)
Matthew L. Tomsic (NC 52431)
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: jmillerr@rcdlaw.net
mtomsic@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

ATTORNEYS FOR DEBTORS AND
DEBTORS IN POSSESSION

-and-

C. Michael Evert, Jr.
EVERT WEATHERSBY HOUFF
3455 Peachtree Road NE, Suite 1550
Atlanta, Georgia 30326
Telephone: (678) 651-1200
Facsimile: (678) 651-1201
E-mail: cmevert@ewhlaw.com
(Admitted pro hac vice)

SPECIAL ASBESTOS LITIGATION
COUNSEL FOR DEBTORS AND DEBTORS
IN POSSESSION

EXHIBIT A

Proposed Order

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

In re	:	
	:	Chapter 11
ALDRICH PUMP LLC, <i>et al.</i> ,	:	
	:	No. 20-30608 (JCW)
Debtors,	:	
	:	(Jointly Administered)
	:	

ORDER SHORTENING NOTICE

THIS CAUSE coming on to be heard before the undersigned United States Bankruptcy Judge upon the *Ex Parte* Motion for Order Shortening Notice (the “Motion to Shorten Notice”) in respect of a hearing on Debtors’ Motion to Strike Pleadings filed by Non-Party Certain Matching Claimants (the “Motion”), and the Court, having reviewed the pleadings and the Court’s file and for good cause shown, it is hereby ORDERED:

- A. That the Motion to Shorten Notice is GRANTED.
- B. That the hearing on the Motion shall occur on March 30, 2023, at 9:30 a.m. EDT or as soon thereafter as the Court is able to hear the matter, in the United States Bankruptcy

Court for the Western District of North Carolina, 401 West Trade Street, Charlotte, North Carolina 28202.

C. That the deadline to respond to the Motion shall be March 29, 2022.

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