

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.

In re

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

Debtors.

Miscellaneous Proceeding

No. 22-00303 (JCW)

(Transferred from District of Delaware)

Chapter 11

Case No. 20-30608

**DECLARATION OF MORGAN R. HIRST**

I, Morgan R. Hirst, hereby declare under penalty of perjury:

1. I am a partner of the law firm of Jones Day; my office is located at 110 North Wacker Drive, Suite 4800, Chicago, Illinois 60606. I am a member in good standing of the Bar of the State of Illinois. There are no disciplinary proceedings pending against me.

2. I submit this declaration in connection with *Debtors' Opposition to Delaware Processing Facility's Motion to Strike, or in the Alternative, Continue the Hearing on Debtors' Motion for Reconsideration*, filed contemporaneously herewith. I have personal knowledge of the matters set forth herein.

<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.



3. Attached hereto as **Exhibit A** is a true and correct copy of excerpts from the transcript of the February 9, 2023 hearing in In re DBMP LLC, No. 20-30080 (JCW) (Bankr. W.D.N.C.).

4. Attached hereto as **Exhibit B** is a true and correct copy of excerpts from the transcript of the February 14, 2023 hearing in In re Aldrich Pump LLC, et al., No. 20-30608 (JCW) (Bankr. W.D.N.C.).

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: March 27, 2023  
Chicago, IL

Respectfully submitted,

/s/ Morgan R. Hirst  
Morgan R. Hirst

# EXHIBIT

# A

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

IN RE:	:	Case No. 20-30080-JCW
DBMP LLC,	:	Chapter 11
Debtor,	:	Charlotte, North Carolina
	:	Thursday, February 9, 2023
	:	9:30 a.m.
: : : : : : : : : : : : : :	:	: : : : : : : : : : : : : :

OFFICIAL COMMITTEE OF : AP 22-3045 (JCW)  
ASBESTOS PERSONAL INJURY  
CLAIMANTS, and SANDER L. :  
ESSERMAN, etc.,

Plaintiffs,

V.

CERTAINTEED LLC (f/k/a  
CERTAINTEED CORPORATION)  
(a/k/a "OLD CERTAINTEED"),

Defendant,

DBMP LLC, : AP 20-3004 (JCW)

Plaintiff,

V.

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

Defendants,

[illegible]

1		THE ARMSTRONG WORLD INDUSTRIES, INC.	:		Case No. 22-00302 (JCW)
2		PERSONAL INJURY SETTLEMENT TRUST, et al.,	:		(Transferred from the District of Delaware)
3			:		
		Plaintiffs,	:		
4			:		
		v.	:		
5			:		
		DBMP LLC,	:		
6			:		
		Defendant.	:		
7			:		
	:	: :	:	:	:

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE J. CRAIG WHITLEY,  
UNITED STATES BANKRUPTCY JUDGE

11	APPEARANCES:
----	--------------

12	For Debtor/Defendant, DBMP LLC:	Robinson, Bradshaw & Hinson, P.A. BY: GARLAND CASSADA, ESQ.
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14		
15		Jones Day BY: GREGORY M. GORDON, ESQ.
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Audio Operator:	COURT PERSONNEL
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24 | Proceedings recorded by electronic sound recording; transcript  
produced by transcription service.

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1 APPEARANCES (continued):

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1 regard to these provisions and discussion and I would decline  
2 to find that I misapprehended what you were arguing.

3 Now there may be an argument in the Aldrich case that  
4 I should have stayed consistent with this ruling and no order's  
5 been entered there, is my understanding, and I'm not  
6 encouraging a motion for rehearing on that, but, if it comes,  
7 it comes. If anything, we had been careful in this case, DBMP,  
8 to try to address the privacy concerns and what I did was  
9 intentional there. Some time passed and it may be argued that  
10 I should have done the same thing.

11 You will note that in Aldrich I was doing two things.  
12 I don't want to talk too much about the Aldrich decision  
13 because those folks aren't here, but the bottom line was I had  
14 two concerns. One was, as I recall it, this was the first time  
15 I had actually been presented with demonstratives that showed  
16 me exactly what kind of information can be in the narratives.  
17 That made a little bit of an impression, but -- and this is  
18 where being married for 36 years will help you out -- I'm not  
19 one to believe that I've never made an error, either, and I may  
20 have in Aldrich because I don't recall, did not then recall all  
21 of the, the Footnote 2 and the efforts that we had made to  
22 scrub data. I was thinking, primarily, about my secondary  
23 concern, which was the need for sampling in these cases,  
24 generally, and it might not have been the appropriate thing to  
25 do then. I'm not going to decide that today.



1 But the bottom line is the costs in these cases are  
2 spiraling ever higher. We are getting into more and more of a  
3 morass of litigation that's going to require more and more  
4 privilege reviews, estimation, claims file requests, and, and  
5 the like and my concern was, overall, that we need to start  
6 pulling these cases towards getting to a resolution, not going  
7 the other way around, and I view sampling as a way that we can  
8 avoid some of the costs and expense, delay, etc., that are  
9 occasioned by these cases.

10 So for better or worse, those two things were on my  
11 mind at the time and if there is an error that has been made,  
12 in my opinion it would be in the Aldrich case, not in this one  
13 because this one got very careful consideration and  
14 effectively, we dealt with that.

15 So as to standing, I don't see a particular burden  
16 here. I agree with Mr. Cassada that while there might be an  
17 interest in, in the Matching Claimants as to the information  
18 that is being provided, the law I'm not sure is where most of  
19 us would feel emotionally. We would say yes, that is your  
20 information, but I'm not sure that, legally, that information  
21 isn't owned by the Trusts instead of the claimants. But you've  
22 got at least some sort of interest there in the data itself and  
23 we tried to accommodate that and it was carefully accommodated  
24 and I'm satisfied that the accommodations in this case were  
25 sufficient to protect the information.

1 And that kind of feeds into the third part of this as  
2 to whether or not there is a risk of inadvertent disclosure and  
3 whether this is moot and I believe at this juncture it really  
4 is. The information's been provided, scrubbed, as I, as been  
5 represented in court. There is no PII in the documentation and  
6 I'm going to decline the motion to alter or amend.

7 And ask the prevailing party, the debtors, to draw an  
8 order consistent with those remarks and the arguments made in  
9 their briefing, okay?

10 Anything else?

11 (No response)

12 THE COURT: Anyone -- everyone good for the day?

13 (No response)

14 THE COURT: Well, I'm pleased that you've been able to  
15 work some on, on the first three matters. I hope you, those  
16 are productive. If not, we'll, we'll talk about them next  
17 month.

18 And hope everyone travels safely home and that you  
19 enjoy your weekend. As always, you always provide me a lot to  
20 think about and we'll look forward to that in the future.

21 Court's in recess.

22 MR. GORDON: Thank you, your Honor.

23 MR. ELLMAN: Thank you, your Honor.

24 (Proceedings concluded at 12:00 p.m.)

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CERTIFICATE

I, court-approved transcriber, certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter.

/s/ Janice Russell

February 13, 2023

Janice Russell, Transcriber

Date

# **EXHIBIT B**

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

IN RE:	:	Case No. 20-30608 (JCW)
	:	(Jointly Administered)
ALDRICH PUMP LLC, ET AL.,	:	
	:	Chapter 11
Debtors,	:	
	:	Charlotte, North Carolina
	:	Tuesday, February 14, 2023
	:	1:00 p.m.
	:	
: : : : : : : : : : : :	:	: : : : : : : : : : : :
ARMSTRONG WORLD INDUSTRIES,	:	Miscellaneous Pleading
INC. ASBESTOS PERSONAL INJURY	:	No. 22-00303 (JCW)
SETTLEMENT TRUST, et al.,	:	(Transferred from District
	:	of Delaware)
Plaintiffs,	:	
v.	:	
ALDRICH PUMP LLC, et al.,	:	
Defendants,	:	
: : : : : : : : : : : :	:	: : : : : : : : : : ~~~~~
AC&S ASBESTOS SETTLEMENT :	:	Miscellaneous Pleading
TRUST, et al.,	:	No. 23-00300 (JCW)
	:	(Transferred from District
Petitioners,	:	New Jersey)
v.	:	
	:	
ALDRICH PUMP LLC, et al.,	:	
Respondents,	:	
VERUS CLAIM SERVICES, LLC,	:	
Interested Party,	:	
NON-PARTY CERTAIN MATCHING	:	
CLAIMANTS,	:	
Interested Party.	:	
: : : : : : : : : : : :	:	: : : : : : : : : : ~~~~~

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE J. CRAIG WHITLEY,  
UNITED STATES BANKRUPTCY JUDGE

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produced by transcription service.

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1           Is there no one else at your firm who could handle  
2 the, the argument or Mr. Parrish, either one?

3           MR. GUERKE: I don't think so, your Honor, but I'd be,  
4 be happy to look into it.

5           THE COURT: Okay.

6           Well, the, the problems we run into, folks, in these  
7 cases are that there's so many of you and so many attorneys  
8 working on the files that if we start picking out and changing  
9 hearing dates based on one person, well, there'll be no end of  
10 it. I'll just refer you since I mentioned the Kaiser case of  
11 all the efforts that were made by the parties to schedule a  
12 hearing with the Fourth Circuit and how many conflicts were,  
13 were noted there. I just don't think on a retail level doing  
14 these cases month to month that I can do anything, but say  
15 we've got local counsel for a reason and it's not just to, to  
16 earn a *pro hac vice* fee for the, for the District Court's  
17 coffers. It's basically so that if there is a need to stand  
18 in.

19           So I would suggest that you -- you've got plenty of  
20 time to prepare. If there's going to be a rehearing motion --  
21 and that's sort of what I think it is since I announced a  
22 ruling, but nothing written has been entered. So I, I would  
23 view it as a rehearing motion -- let's go ahead and do that on  
24 the 30th and just send who you can, all right? Okay.

25           MR. GUERKE: Understood. Thank you, your Honor.

1 THE COURT: Thank you all.

2 (Proceedings concluded at 1:39 p.m.)

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7 CERTIFICATE

8 I, court approved transcriber, certify that the  
9 foregoing is a correct transcript from the official electronic  
10 sound recording of the proceedings in the above-entitled  
11 matter.

12 /s/ Janice Russell

February 17, 2023

13 Janice Russell, Transcriber

Date

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