

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

In re: ALDRICH PUMP LLC, et al., ¹ Debtors.	Chapter 11 Case No. 20-30608 (JCW) (Jointly Administered)
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**STATEMENT OF ISSUES ON APPEAL OF
ORDER DENYING MOTIONS TO DISMISS**

PLEASE TAKE NOTICE that Robert Semian and All Other Clients of Maune Raichle Hartley French & Mudd, LLC (“MRHFM”) (the “Appellants”), by and through the undersigned counsel, hereby provide, pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Rule 8006-1 of the Rules of Practice and Procedure of the United States Bankruptcy Court for the Western District of North Carolina (the “Bankruptcy Court”), their (i) statement of issues to be presented on appeal and (ii) designation of the items to be included in the record on appeal, in connection with the appeal to the United States District Court for the Western District of North Carolina (the “District Court”) from the Bankruptcy Court’s *Order Denying Motions To Dismiss* [ECF No.2047] (the “Order Denying Motions to Dismiss”) entered on December

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.



28, 2023, which denied the Appellants' *Motion to Dismiss* [ECF No. 1712] (the "Motion to Dismiss").

I. Statement of Issues on Appeal of Order Denying Motions to Dismiss

1. Whether the Bankruptcy Court erred in denying the Motion to Dismiss.
2. Whether the Bankruptcy Court erred in holding that "financial distress" is not a jurisdictional bankruptcy requirement.
3. Whether the Bankruptcy Court erred in holding that a bankruptcy court's constitutionally derived jurisdiction (and powerful equitable tools) are available to debtors that filed in bad faith, are not financially troubled or in financial distress, or that purport to have sufficient funding to pay all current and future claimants in full inside or outside of a bankruptcy proceeding.
4. Whether the Bankruptcy Court erred in holding that a desire for a remedy provided by Section 524(g) of the Bankruptcy Code is, in and of itself, a proper purpose for filing a bankruptcy petition by a debtor this is not financially troubled, not in financial distress and not facing overwhelming current and future asbestos liabilities.
5. Whether the Bankruptcy Court erred in finding that the two-prong test in *Carolin Corp. v. Miller* applies to profitable, financially healthy, non-distressed debtors who are not in need of resuscitation.

6. Whether the Bankruptcy Court erred in finding that the two-pronged test in *Carolin Corp. v. Miller* applies years into the pendency of the case and given the facts of this case.

7. Whether the Bankruptcy Court erred in finding that the Debtors' petitions were not objectively futile under *Carolin Corp. v. Miller* under the facts of this case.

8. Whether the Bankruptcy Court erred in finding that the two-prong test in *Carolin Corp. v. Miller* precludes the dismissal of the Debtors' bankruptcy case despite the fact that (1) the Debtors and their legal predecessors are not financially troubled, not in financial distress and never have been; (2) the Debtors are solely in the business of managing tort litigation that they purportedly intend to resolve through a plan featuring a Section 524(g) trust; and (3) that the Debtors and their legal predecessors claim they can pay all current and future claimants in full.

9. Whether the Bankruptcy Court erred by holding that *Carolin's* two-pronged standard bars dismissal of this case despite both prongs presupposing a debtor's financial distress.

10. Whether the Bankruptcy Court erred in effectively finding that, in enacting the two-pronged test of *Carolin Corp. v. Miller*, the Fourth Circuit created a legal framework where the more wealthy and profitable a debtor, the more immune from dismissal its petition is, notwithstanding that debtor's bad faith.

II. Designation of Record for Appeals

The Appellants designate the following items to be included in the record on appeal, together with all exhibits, attachments, and documents incorporated by reference therein:

ALDRICH PUMP LLC, et al. (20-30608)

	Docket No.	Docket Entry Date	Docket Description
1.	1	06/18/2020	Voluntary Petition Under Chapter 11
2.	2	06/18/2020	Corporate Ownership Statement
3.	3	06/18/2020	Motion to Jointly Administer Cases
4.	5	06/18/2020	Informational Brief of Aldrich Pump LLC and Murray Boiler LLC
5.	7	06/18/2020	Motion of the Debtors for an Order: (I) Authorizing the Filing of (A) Consolidated Master List of Creditors and (B) Consolidated List of 20 Law Firms with Significant Asbestos Cases Against the Debtors in Lieu of Lists of 20 Largest Unsecured Creditors; (II) Approving Certain Notice Procedures for Asbestos Claimants; and (III) Approving the Form and Manner of Notice of Commencement of These Cases.
6.	8	06/18/2020	Motion of the Debtors for Entry of an Order Establishing Certain Notice, Case Management, and Administrative Procedures
7.	19	06/18/2020	Ex Parte Motion to Extend Time to file Missing Schedules and Statements
8.	27	06/18/2020	Declaration of Ray Pittard in Support of First Day Pleadings filed by John R. Miller Jr. on behalf of Aldrich Pump LLC.
9.	28	06/18/2020	Adversary case 20-03041. Complaint 71 by Aldrich Pump LLC, Murray Boiler LLC against Those Parties to Actions

	Docket No.	Docket Entry Date	Docket Description
			Listed on Appendix A to Complaint and John and Jane Does 1-1000
10.	29	06/18/2020	Declaration of Allan Tananbaum in Support of Debtors' Complaint for Injunctive and Declaratory Relief, Related Motions, and the Chapter 11 Cases
11.	31	06/18/2020	List of Creditors. Consolidated Master Creditors List
12.	47	06/18/2020	Voluntary Petition for Non-Individuals Filing for Bankruptcy (RE: related document(s)1 Voluntary Petition Under Chapter 11 filed by Debtor Aldrich Pump LLC)
13.	48	06/18/2020	Order Reassigning Case - REMOVED: Judge Laura T. Beyer - SUBSTITUTED: Judge J. Craig Whitley.
14.	50	06/18/2020	Order Directing Clerk to Correct Petition Filing Date to 06/18/2020. (RE: related document(s)1 Voluntary Petition Under Chapter 11 filed by Debtor Aldrich Pump LLC)
15.	62	06/18/2020	Ex Parte Order Granting Motion To Extend Time to file Missing Schedules and Statements by 08/03/2020 (Related Doc # 19)
16.	112	06/25/2020	Order Authorizing the Filing of (A) Consolidated Master List of Creditors and (B) Consolidated List of 20 Law Firms with Significant Asbestos Cases Against the Debtors in Lieu of Lists of 20 Largest Unsecured Creditors; Approving Certain Notice Procedures for Asbestos Claimants; and Approving the Form and Manner of Notice of Commencement of These Cases. (RE: related document(s)7 Other Document filed by Debtor Aldrich Pump LLC)
17.	114	06/25/2020	Order Granting Motion to Jointly Administer Case(s). Lead Case 3:20-bk-30608(Related Doc # 3)
18.	115	06/25/2020	Transcript for Hearing/Trial held on 6/22/2020
19.	123	06/26/2020	Order Establishing Certain Notice, Case Management, and Administrative Procedures (RE: related document(s)8 Other Document filed by Debtor Aldrich Pump LLC)

	Docket No.	Docket Entry Date	Docket Description
20.	139	07/02/2020	Notice of Commencement of Chapter 11 Cases and Meeting of Creditors filed by Matthew L Tomsic on behalf of Aldrich Pump LLC.
21.	207	08/03/2020	Schedule H, Schedule G, Schedule E/F, Schedule D, Schedule A/B (RE: related document(s)62 Order on Motion to Extend)
22.	208	08/03/2020	Statement of Financial Affairs (RE: related document(s)62 Order on Motion to Extend)
23.	232	08/10/2020	Equity Security Holders List (RE: related document(s)62 Order on Motion to Extend)
24.	244	08/12/2020	Attorney Disclosure Statement (Jones Day) (RE: related document(s)62 Order on Motion to Extend)
25.	245	08/12/2020	Attorney Disclosure Statement (Rayburn Cooper & Durham, P.A.)
26.	278	08/24/2020	201A - Corporation (RE: related document(s)62 Order on Motion to Extend)
27.	831	09/24/2021	Chapter 11 Plan Joint Plan of Reorganization of Aldrich Pump LLC and Murray Boiler LLC
28.	832	09/24/2021	Notice of Filing of Plan Support Agreement (RE: related document(s)831 Plan filed by Debtor Aldrich Pump LLC)
29.	1366	10/19/2022	Motion to Appear Pro Hac Vice on Behalf of Clayton L. Thompson
30.	1369	10/19/2022	Ex Parte Order Granting Motion to Appear Pro Hac Vice (Related Doc # [1366])
31.	1588	01/24/2023	Motion for Relief from Stay
32.	1665	03/23/2023	Response /Reply in Support of Robert Semian's Motion for Relief from the Automatic Stay Pursuant to 11 U.S.C. § 362(d)
33.	1700	04/04/2023	Motion to Appear Pro Hac Vice on behalf of John Louis Steffan IV
34.	1701	04/04/2023	Motion to Appear Pro Hac Vice on behalf of Jonathan Ruckdeschel
35.	1703	04/04/2023	Ex Parte Order Granting Motion to Appear Pro Hac Vice (Related Doc # [1700])

	Docket No.	Docket Entry Date	Docket Description
36.	1704	04/04/2023	Ex Parte Order Granting Motion to Appear Pro Hac Vice (Related Doc # [1701])
37.	1712	04/06/2023	Motion to Dismiss Bankruptcy Case filed by Jonathan Ruckdeschel, Clayton L. Thompson, Thomas W. Waldrep Jr. on behalf of Robert Semian
38.	1713	04/06/2023	Notice of Hearing (RE: related document(s)[1712] Motion to Dismiss filed by Creditor Robert Semian)
39.	1716	04/13/2023	Supporting Motion to Dismiss Bankruptcy Case for Joinder to the Motion to Dismiss of Claimants Robert Semian and other clients of MRHFM [Dkt.#1712]
40.	1746	05/09/2023	Joinder in Motion to Dismiss of Claimants Robert Semian and Other Clients of MRHFM
41.	1756	05/15/2023	Motion to Dismiss Bankruptcy Case filed by Robert A. Cox Jr. on behalf of The Official Committee of Asbestos Personal Injury Claimants.
42.	1757	05/15/2023	The Official Committee of Asbestos Personal Injury Claimants' Ex Parte Motion Requesting Authority to Exceed Maximum Page Limits (RE: related document(s)[1756] Motion to Dismiss filed by Creditor Committee The Official Committee of Asbestos Personal Injury Claimants)
43.	1761	05/17/2023	Order Authorizing Committee to Exceed Maximum Page Limit (RE: related document(s)[1757] Other Document filed by Creditor Committee The Official Committee of Asbestos Personal Injury Claimants)
44.	1763	05/18/2023	Certificate of Service (RE: related document(s)[1756] Motion to Dismiss filed by Creditor Committee The Official Committee of Asbestos Personal Injury Claimants, [1757] Other Document filed by Creditor Committee The Official Committee of Asbestos Personal Injury Claimants, [1758] Motion (Other) filed by Creditor Committee The Official Committee of Asbestos Personal Injury Claimants)
45.	1778	05/31/2023	Joinder to Motion to Dismiss of Claimants and Other Clients of Galihier DeRobertis & Waxman LLP (RE: related

	Docket No.	Docket Entry Date	Docket Description
			document(s)[1712] Motion to Dismiss filed by Creditor Robert Semian)
46.	1779	06/01/2023	Response The Future Asbestos Claimants' Representative's Opposition to the Motion to Dismiss on Behalf of Robert Semian and Other Clients of MRHFM Hearing scheduled for 07/14/2023 at 9:30 AM at 3-JCW-Charlotte Courtroom (RE: related document(s)[1712] Motion to Dismiss filed by Creditor Robert Semian)
47.	1780	06/01/2023	Ex Parte Motion of the Debtors Requesting Authority to Exceed the Maximum Page Limit
48.	1781	06/01/2023	Response Debtor's Objection to Motion of Maune Raichle Claimants to Dismiss Chapter 11 Cases Hearing scheduled for 07/14/2023 at 9:30 AM at 3-JCW-Charlotte Courtroom (RE: related document(s)[1712] Motion to Dismiss filed by Creditor Robert Semian)
49.	1782	06/01/2023	Declaration of Allan Tananbaum in Support of Debtors' Objection to Motion of Maune Raichle Claimants to Dismiss Chapter 11 Cases (RE: related document(s)[1781] Response filed by Debtor Aldrich Pump LLC)
50.	1783	06/01/2023	Declaration of Brad B. Erens in Support of Debtors' Objection to Motion of Maune Raichle Claimants to Dismiss Chapter 11 Cases (RE: related document(s)[1781] Response filed by Debtor Aldrich Pump LLC)
51.	1784	06/01/2023	Joinder of the Non-Debtor Affiliates to the Debtors' Objection to Motion of Maune Raichle Claimants to Dismiss Chapter 11 Cases (RE: related document(s)[1781] Response filed by Debtor Aldrich Pump LLC)
52.	1785	06/01/2023	Ex Parte Order Granting the Debtors Authority to Exceed Maximum Page Limit (Related Doc # [1780])
53.	1809	06/15/2023	Opposition Response The Future Asbestos Claimants' Representative's Opposition to the Motion of the Official Committee of Asbestos Personal Injury Claimants to Dismiss the Debtors' Chapter 11 Cases Hearing scheduled for 07/14/2023 at 9:30 AM at 3-JCW-Charlotte Courtroom (RE: related document(s)[1756] Motion to Dismiss filed by

	Docket No.	Docket Entry Date	Docket Description
			Creditor Committee The Official Committee of Asbestos Personal Injury Claimants)
54.	1810	06/15/2023	Joinder of Family of Dana W. Hazelwood (RE: related document(s)[1712] Motion to Dismiss filed by Creditor Robert Semian)
55.	1811	06/15/2023	Robert Semians Reply To The Debtors Objection (RE: related document(s)[1781] Response filed by Debtor Aldrich Pump LLC)
56.	1812	06/15/2023	Robert Semians Reply To The Future Asbestos Claimants Representatives Opposition (RE: related document(s)[1779] Response filed by Interested Party Joseph W. Grier)
57.	1813	06/15/2023	Response Debtors' Objection to Motion of Official Committee of Asbestos Personal Injury Claimants to Dismiss Debtors' Chapter 11 Cases Hearing scheduled for 07/14/2023 at 9:30 AM at 3-JCW-Charlotte Courtroom (RE: related document(s)[1756] Motion to Dismiss filed by Creditor Committee The Official Committee of Asbestos Personal Injury Claimants)
58.	1815	06/15/2024	Joinder of the Non-Debtor Affiliates to Debtors' Objection to Motion of Official Committee of Asbestos Personal Injury Claimants to Dismiss Debtors' Chapter 11 Cases (RE: related document(s)[1813] Response filed by Debtor Aldrich Pump LLC)
59.	1816	06/15/2023	Joinder of the Non-Debtor Entity Defendants to the Debtors' Motion to Withdraw Derivative Standing from the Official Committee of Asbestos Personal Injury Claimants (RE: related document(s)[1814] Motion (Other) filed by Debtor Aldrich Pump LLC)
60.	1817	06/15/2023	Joinder of the Fiduciary Duty Proceeding Individual Defendants to the Debtors' Objection to Motion of the Official Committee of Asbestos Personal Injury Claimants to Dismiss the Debtors' Chapter 11 Cases (RE: related document(s)[1813] Response filed by Debtor Aldrich Pump LLC)

	Docket No.	Docket Entry Date	Docket Description
61.	1847	07/07/2023	Response Reply in Support of Motion of the Official Committee of Asbestos Personal Injury Claimants to Dismiss the Debtors' Chapter 11 Cases Hearing scheduled for 07/14/2023 at 9:30 AM at 3-JCW-Charlotte Courtroom (RE: related document(s)[1756] Motion to Dismiss filed by Creditor Committee The Official Committee of Asbestos Personal Injury Claimants)
62.	1854	07/10/2023	Motion The Official Committee Of Asbestos Personal Injury Claimants Motion In Limine To Exclude From Evidence The Declaration, And Certain Anticipated Testimony, Of Allan Tananbaum
63.	1855	07/10/2023	Ex Parte Motion to Shorten Notice (RE: related document(s)[1854] Motion (Other) filed by Creditor Committee The Official Committee of Asbestos Personal Injury Claimants)
64.	1864	07/12/2023	Notice of Proposed Agenda of Matters Scheduled for Hearing on Friday, July 14, 2023 at 9:30 am
65.	1876	07/15/2023	Courtroom Recording. Court Date & Time [07/14/2023 10:30:55 AM]
66.	1877	07/15/2023	Courtroom Recording. Court Date & Time [07/14/2023 11:22:24 AM]
67.	1878	07/15/2023	Courtroom Recording. Court Date & Time [07/14/2023 12:28:17 AM]
68.	1879	07/15/2023	Courtroom Recording. Court Date & Time [07/14/2023 2:16:46 PM]
69.	1880	07/15/2023	Courtroom Recording. Court Date & Time [07/14/2023 2:46:40 PM]
70.	1881	07/15/2023	Courtroom Recording. Court Date & Time [07/14/2023 4:00:03 PM]
71.	1882	07/15/2023	Courtroom Recording. Court Date & Time [07/14/2023 4:32:45 PM]
72.	1883	07/17/2023	Request For Transcript for hearing on DATE: 7/14/2023
73.	1888	07/24/2023	Transcript for Hearing/Trial held on 7/14/2023

	Docket No.	Docket Entry Date	Docket Description
74.	1889	07/25/2023	Notice of Transcript Filing and of Deadlines Related to Restriction and Redaction. (RE: related document(s)[1888] Transcript)
75.	1909	08/03/2023	Notice of Filing of Designations and Counterdesignations of July 6, 2023 Deposition of Allan Tananbaum
76.	1924	08/11/2023	Supplemental Motion to Dismiss Bankruptcy Case. filed by Jonathan Ruckdeschel, Clayton L. Thompson, Thomas W. Waldrep Jr. on behalf of Robert Semian and other clients of MRHFM
77.	2046	12/28/2023	Order Denying Motion to Dismiss (Related Doc # 1712), Denying Motion to Dismiss (Related Doc # 1756)
78.	2049	12/28/2023	Request For Transcript for hearing on DATE: 12/28/2023
79.	2050	12/29/2023	Courtroom Recording. Court Date & Time [12/28/2023 09:59:48 AM]
80.	2058	01/11/2024	Notice of Appeal to District Court. Fee Amount \$ 298 (RE: related document(s)[2047] Order on Motion to Dismiss, Order on Motion to Dismiss)
81.	2059	01/11/2024	Motion for Leave to Appeal (RE: related document(s)[2047] Order on Motion to Dismiss, Order on Motion to Dismiss)
82.	2060	01/11/2024	Memorandum of Law in Support of Motion for Leave to Appeal Order Denying Mr. Robert Semian and Forty-Six Other MRHFM Plaintiffs' Motion to Dismiss (RE: related document(s)[2059] Motion for Leave to Appeal
83.	2061	01/11/2024	Certification of Direct Appeal to Court of Appeals (RE: related document(s)[2059] Motion for Leave to Appeal
84.	2062	01/11/2024	Notice of Hearing (RE: related document(s)[2061] Certification of Direct Appeal filed by Interested Party Robert Semian and other clients of MRHFM) Hearing scheduled for 2/9/2024 at 09:30 AM at 3-JCW Courtroom 2B.
85.	2063	01/11/2024	Notice of Appeal to District Court. Fee Amount \$ 298 (RE: related document(s)[2047] Order on Motion to Dismiss, Order on Motion to Dismiss)

	Docket No.	Docket Entry Date	Docket Description
86.	2064	01/11/2024	Motion for Leave to Appeal (RE: related document(s)[2047] Order on Motion to Dismiss, Order on Motion to Dismiss)
87.	2065	01/11/2024	The Official Committee of Asbestos Personal Injury Claimants' Memorandum of Law in Support of its Motion for Leave to Appeal Order Denying Motions to Dismiss (RE: related document(s)[2064] Motion for Leave to Appeal filed by Creditor Committee The Official Committee of Asbestos Personal Injury Claimants)
88.	2068	01/12/2024	Notice of Docketing Record on Appeal to District Court. Case Number: 2400042 (RE: related document(s)2063 Notice of Appeal filed by Creditor Committee The Official Committee of Asbestos Personal Injury Claimants)
89.	2069	01/12/2024	Certificate of Service (RE: related document(s)[2063] Notice of Appeal filed by Creditor Committee The Official Committee of Asbestos Personal Injury Claimants)
90.	2070	01/12/2024	Notice of Docketing Record on Appeal to District Court. Case Number: 2400044 (RE: related document(s)2058 Notice of Appeal filed by Interested Party Robert Semian and other clients of MRHFM)
91.	2071	01/12/2024	Certificate of Service (RE: related document(s)[2058] Notice of Appeal filed by Interested Party Robert Semian and other clients of MRHFM)
92.	2073	01/12/2024	Attachment to Notice (RE: related document(s)[2063] Notice of Appeal filed by Creditor Committee The Official Committee of Asbestos Personal Injury Claimants) filed by Glenn C. Thompson on behalf of The Official Committee of Asbestos Personal Injury Claimants
93.	2074	01/17/2024	Certification of Direct Appeal to Court of Appeals (RE: related document(s)2063 Notice of Appeal filed by Creditor Committee The Official Committee of Asbestos Personal Injury Claimants)
94.	2075	01/18/2024	Clerk's Entry to Denote Correction to Docket. CORRECTIVE ENTRY: A hearing will be held on 2/9/24 at 9:30AM in Charlotte, Courtroom 2B. (RE: related

	Docket No.	Docket Entry Date	Docket Description
			document(s)2074 Certification of Direct Appeal filed by Creditor Committee The Official Committee of Asbestos Personal Injury Claimants)

ALDRICH PUMP LLC et al v. THOSE PARTIES TO ACTIONS LISTED ON APPENDIX A TO C (20-03041)

	Docket No.	Docket Entry Date	Docket Description
1.	1	6/18/2020	Adversary case 20-03041. Complaint 71 by Aldrich Pump LLC, Murray Boiler LLC against Those Parties to Actions Listed on Appendix A to Complaint and John and Jane Does 1-1000.
2.	2	6/18/2020	Motion for Preliminary Injunction Motion of the Debtors for an Order (I) Preliminarily Enjoining Certain Actions Against Non-Debtors, or (II) Declaring that the Automatic Stay Applies to SuchI Actions, and (III) Granting a Temporary Restraining Order Pending a Final Hearing
3.	3	6/18/2020	Declaration of Allan Tananbaum in Support of Debtors' Complaint for Injunctive and Declaratory Relief, Related Motions, and the Chapter 11 Cases
4.	141	3/24/2020	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
5.	265	5/19/2021	Notice of Filing of Unredacted Motion to Compel the Debtors and Non-Debtors Affiliates to (I) Provide Testimony Regarding Certain Matters and (II) Produce Certain Withheld Documents and Partially Redacted Exhibits Thereto (RE: related document(s)141 Motion (Other)
6.	257	5/10/2021	Exhibit List for Hearing Held on May 5, 2021 Through May 7, 2021

	Docket No.	Docket Entry Date	Docket Description
7.	258	5/18/2021	Transcript for Hearing Held on May 5, 2021
8.	259	5/18/2021	Transcript for Hearing Held on May 6, 2021
9.	260	5/18/2021	Transcript for Hearing Held on May 7, 2021
10.	307	8/23/2021	Order Declaring that the Automatic Stay Applies to Certain Actions Against Non-Debtors, Preliminarily Enjoining Such Actions, and Granting in Part Denying in Part the Motion to Compel. (RE: related document(s)1 Complaint filed by Plaintiff Murray Boiler LLC, Plaintiff Aldrich Pump LLC, 2 Motion for Preliminary Injunction filed by Plaintiff Murray Boiler LLC, Plaintiff Aldrich Pump LLC, 90 Motion for Summary Judgment filed by Plaintiff Murray Boiler LLC, Plaintiff Aldrich Pump LLC, 141 Motion (Other) filed by Creditor Committee The Official Committee of Asbestos Personal Injury Claimants)
11.	308	8/23/2021	Findings of Facts and Conclusions of Law Regarding Order: (I) Declaring that the Automatic Stay Applies to Certain Actions Against Non-Debtors, (II) Preliminarily Enjoining Such Actions, and (III) Granting in Part Denying in Part the Motion to Compel. (RE: related document(s)1 Complaint filed by Plaintiff Murray Boiler LLC, Plaintiff Aldrich Pump LLC, 2 Motion for Preliminary Injunction filed by Plaintiff Murray Boiler LLC, Plaintiff Aldrich Pump LLC, 141 Motion (Other) filed by Creditor Committee The Official Committee of Asbestos Personal Injury Claimants)

Respectfully submitted this the 25th day of January 2024.

**WALDREP WALL BABCOCK
& BAILEY PLLC**

/s/ Thomas W. Waldrep, Jr.

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Counsel for the Appellants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **STATEMENT OF ISSUES ON APPEAL OF ORDER DENYING MOTIONS TO DISMISS** was filed in accordance with the local rules and served upon all parties registered for electronic service and entitled to receive notice thereof through the CM/ECF system.

Respectfully submitted this the 25th day of January 2024.

**WALDREP WALL BABCOCK
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