



A handwritten signature in black ink, reading "Lena Mansori James".

Lena Mansori James  
United States Bankruptcy Judge

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

In re	)	Chapter 11
	)	
Aldrich Pump LLC, et. al., <sup>1</sup>	)	Case No. 20-30608
	)	
Debtors.	)	(Jointly Administered)
_____	)	_____

**ORDER DENYING OFFICIAL COMMITTEE OF ASBESTOS PERSONAL  
INJURY CLAIMANTS' MOTION TO RECONSIDER**

THIS MATTER is before the Court on the Motion to Reconsider [Docket No. 2694] (the "Motion") filed by the Official Committee of Asbestos Personal Injury Claimants (the "Committee"). Through the Motion, the Committee asks the Court to reconsider and vacate its order approving the ex parte application of the Future Claimants' Representative (the "FCR") to employ the Brattle Group, Inc. ("Brattle") as his claims testifying expert. [Docket No. 2687] (the "Retention Order"). The FCR and the Debtors, Aldrich Pump LLC and Murray Boiler LLC, objected to the Motions.<sup>2</sup> A hearing on the Motion was held on July 24, 2025.

<sup>1</sup> The Debtors are the following entities (the last four digits of Debtors' taxpayer identification follow in parenthesis) Aldrich Pump LLC (2290) and Murray Boiler LLC (0679). The Debtors' address is 800-E. Beaty Street, Davidson, North Carolina 28036.

<sup>2</sup> Sander L. Esserman, the future claimants' representative in the cases of *In re Bestwall LLC*, No. 17-31795 (Bankr. W.D.N.C.) and *In re DBMP LLC*, No. 20-30080 (Bankr. W.D.N.C.), filed a



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The Committee requests that the Court reconsider the Retention Order and ultimately disapprove the FCR application to employ Brattle, arguing that (1) the Plan Support Agreement (“PSA”) between the FCR, the Debtors, and certain non-debtor affiliates negates any need for the FCR to employ Brattle because the PSA would require that expert “to simply parrot the Debtors’ own estimate”; (2) the FCR has already retained an expert, Ankura Consulting Group, LLC (“Ankura”), and there is no demonstrated need to retain a second expert for what would be duplicative work; and (3) the FCR’s application to employ Brattle fails to satisfy the disclosure requirements under 11 U.S.C. § 327(a) and Federal Rule of Bankruptcy Procedure 2014. The Court will address each of these in turn.

First, putting aside the assertion that the PSA required the FCR to parrot the Debtors’ estimate, the parties have since executed an amendment to the PSA on July 8, 2025 clarifying that, “[n]otwithstanding anything in the Agreement to the contrary, the [FCR] shall be entitled to take whatever positions he believes appropriate in connection with the Estimation.” [Docket No. 2720, Ex. D]. As such, the amendment moots the Committee’s first argument regarding the PSA’s constricting effect on the FCR’s estimation position.

Second, the Committee’s argument regarding the potential duplication of services between Brattle and Ankura falls flat. As evidenced in the respective

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statement on July 21, 2025 to purportedly “correct the record” regarding statements made in the FCR’s objection. [Docket No. 2724, p. 2]. Mr. Esserman acknowledges that he “is not a party in this bankruptcy case and takes no position on the merits of the underlying issue regarding whether the Aldrich FCR should be permitted to retain [Brattle] as his estimation expert.” [*Id.*, p. 1]. Given this, it remains unclear for what purpose Mr. Esserman submitted his statement, and the Court does not

consider it in determining the Motion.

applications to employ and letters of engagement [Docket Nos. 463, 2686], the Court views Ankura and Brattle as complementary rather than duplicative professionals, with different scopes of employment. As the FCR describes in his objection, Ankura was employed in the initial stages of this case as a claims consultant and financial advisor; in contrast, Brattle will be employed to prepare an initial expert report, sit for deposition, rebut opposing experts if necessary, and testify at the estimation trial. [Docket No. 2720, pp. 16-17]. Moreover, the FCR has valid concerns regarding allegations of conflict, bias, and inconsistency that could be levied against Ankura given its role in the *Bestwall* and *DBMP* bankruptcy cases. [*Id.*, p. 12]. Finally, any concerns the Committee may have regarding unnecessary duplication of services can be addressed in Brattle's future applications for compensation. *See* 11 U.S.C. § 330(a)(4)(A)(i).<sup>3</sup>

Third, the Committee takes issue with the degree of disclosure provided in the application, specifically arguing that Brattle failed to provide a description of what work was performed for five clients that appear on the Debtors' Interested Parties List and whether that work was unrelated to the Debtors' estate. To the extent any such information was required, the First Supplemental Declaration attached to the FCR's objection addresses those concerns in full, [Docket No. 2720, Ex. E], further ensuring that Brattle satisfies the requirements of § 327(a) and Rule 2014.

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<sup>3</sup> A general concern that the FCR has changed its position as to the need for a claims testifying expert appears to be underlying the Committee's Motion. To the extent that is true, the Court does not find it cause for alarm. Given the passage of over four years, the absence of any meaningful progress towards a negotiated compromise with regard the Debtors' liability to present and future asbestos claimants, the entry of the Second Amended Case Management Order [Docket No. 2656], and the amendment to the PSA, the landscape has slightly changed and a fresh approach is not

For the reasons stated above, the Court finds the Committee has failed to demonstrate cause to reconsider the Retention Order.<sup>4</sup> On a broader note, the Court reiterates, as stated at the hearing, that it expects the parties to proceed expeditiously and in good faith to meet the deadlines set forth in the Second Amended Case Management Order with the common goal of making meaningful progress in this case. The Court directs all parties to moderate their tone and make every effort to approach future disputes in a straightforward, respectful, and measured manner.

Accordingly, IT IS HEREBY ORDERED that the Committee's Motion to Reconsider is DENIED.

**SO ORDERED.**

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

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<sup>4</sup> There is some confusion as to the correct standard for reconsideration on the Motion. Local Rule 9013-1(f) provides that for orders approving ex parte applications to employ professionals, "[a]ny party shall be entitled to request a hearing or to request that the court reconsider any ex parte relief upon a request filed within 14 days of service of notice of the entry of ex parte relief." The Court determines the Motion as if it were an objection to the original application to employ Brattle.