

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

In re	:	Chapter 11
	:	
ALDRICH PUMP LLC, <i>et al.</i> , ¹	:	Case No. 20-30608 (LMJ)
	:	
Debtors.	:	(Jointly Administered)
	:	

**DEBTORS' OBJECTION TO THE OFFICIAL COMMITTEE OF
ASBESTOS PERSONAL INJURY CLAIMANTS' MOTION TO
AMEND THE SECOND AMENDED CASE MANAGEMENT ORDER FOR
ESTIMATION OF ASBESTOS CLAIMS AND/OR THE PROTECTIVE ORDER**

Aldrich Pump LLC ("Aldrich") and Murray Boiler LLC ("Murray"), the debtors and debtors in possession in the above-captioned chapter 11 cases (the "Debtors"), file this Objection to the *Motion To Amend The Second Amended Case Management Order For Estimation Of Asbestos Claims And/Or The Protective Order* [Dkt. 2828] (the "Motion to Amend"), filed by the Official Committee of Asbestos Personal Injury Claimants ("ACC").

PRELIMINARY STATEMENT

In September 2020, the Court entered an agreed protective order for these cases that was negotiated by the Debtors and the ACC.² That Protective Order has now governed these bankruptcy cases for over five years. It has governed the exchange of hundreds of thousands of pages of documents, the testimony of nearly two dozen witnesses, and, most notably, the Debtors' claims database, which includes claimants' personal identifying information and amounts of settlement with the Debtors. During those five years, there has been no suggestion that the

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.

² See Agreed Protective Order Governing Confidential Information [Dkt. 345] (the "Protective Order").



Protective Order has been insufficient to protect the confidentiality of information exchanged in these cases or that any party has violated its terms.

On September 15, 2025, the parties, pursuant to the Second Amended Case Management Order for Estimation of Asbestos Claims [Dkt. 2656] (the "Estimation CMO"), exchanged Initial Expert Reports that, to be sure, contain certain information *of the Debtors* that is confidential. As a result, the parties have already agreed to redactions for a number of paragraphs of the Initial Expert Reports for material that is "Professional Eyes Only" under the terms of the Protective Order. Likewise, the parties have also agreed that after those redactions are made, the redacted versions of the Initial Expert Reports shall be designated as "Confidential" under the terms of the Protective Order, significantly limiting how and to whom they may be disclosed.

But this apparently is not enough for the ACC. Instead, the ACC now has filed the Motion to Amend, seeking to amend the Protective Order to provide unprecedented and improper restrictions on the disclosure and use of Initial Expert Reports. While unclear, the Motion to Amend appears to suggest that the Debtors should be barred from sharing even redacted versions of the Initial Expert Reports with their insurers, who have already requested them, and are permitted to see Confidential Information under the terms of the Protective Order once they sign on to its terms. The one proposed prohibition that is abundantly clear from the Motion to Amend is that the ACC seeks to prohibit the parties from ever sharing the Initial Expert Reports with the Court, even if they are relevant to a motion or other matter before the Court, and even if they are filed under seal.

The ACC's request is as puzzling as it is improper. The Initial Expert Reports are, after all, an estimate of the *Debtors'* liability for current and future asbestos claims. And all of the information that the parties have designated as "Confidential" from those Initial Expert Reports is

the Debtors', including the information designated "Professional Eyes Only," which comes from the Debtors' claims database. In short, if anyone should have an interest in protecting these Initial Expert Reports it is the Debtors, and the Debtors have done so.

The only explanation for the ACC's Motion to Amend is the simplest one: the ACC does not want the Court to see the experts' estimate of the Debtors' current and future asbestos liabilities because the ACC fears that any review of the orders of magnitude of difference between the Debtors' and FCR's experts' estimates, on the one hand, and the ACC's expert's estimate, on the other, will demonstrate that the ACC's estimate is improper and unsupportable on its face. While it explains why the ACC has filed the Motion to Amend, it is hardly a valid reason to grant it. The point of a protective order is to ensure confidential information remains protected, not from the Court, but from non-parties who do not need access to the confidential information. The Protective Order in these cases has satisfied that goal for over five years. And that Protective Order can and will ensure the protection of confidential information contained in the Initial Expert Reports. The ACC's unprecedented request to amend the Protective Order, seemingly motivated by a desire to permanently hide these estimates from the Court, is improper. The Motion to Amend should be denied.

BACKGROUND

1. On September 23, 2020, the Court entered the Protective Order to "facilitate the delivery of Confidential Information among the Parties and to establish the Parties' rights and obligations with regard to such information," on a joint motion by the Debtors, the ACC, Trane Technologies Company LLC, and Trane U.S. Inc.³

³ See Protective Order, at 2. After the FCR was appointed, he also became a party to the Protective Order, consistent with its provisions. *Id.* at 11.

2. The Protective Order provides for two levels of confidentiality protection. First, it defines "Confidential Information" as information disclosed that contains "confidential, proprietary or commercially sensitive information, including, but not limited to, (a) trade secrets, (b) proprietary business information and (c) information implicating an individual's legitimate expectation of privacy, including medical information and social security numbers."⁴ Confidential Information can only be disclosed to the Parties or: (a) their Authorized Recipients⁵ or Professional Vendors,⁶ or (b) in the case of the ACC, to its members and its members' counsel, in all cases only upon signature of an acknowledgement to be bound by the terms of the Protective Order.⁷

3. Second, the Protective Order also provides for "Professional Eyes Only" designation, and specifically identified for such designation the Debtors' asbestos claims database, which includes information about claimants' names, addresses, social security numbers, medical information and settlement amounts.⁸ Professional Eyes Only materials can be disclosed to a very limited universe of parties and outside counsel.⁹

⁴ Id. at 3–4.

⁵ "'Authorized Recipients' shall mean, with respect to any Party, any of its directors, officers, members, partners, employees, advisors, agents, representatives, consultants, insurers, accountants, experts, legal counsel and other professionals." Id. at 3.

⁶ "'Professional Vendors' shall mean Persons providing litigation support services (e.g., photocopying; videotaping; translating; designing and preparing exhibits, graphics, or demonstrations; organizing, storing and retrieving data in any form or medium) and their respective employees and subcontractors, all of whom have been retained by or on behalf of or directed by counsel for any of the Parties; are not current employees or affiliates of a Party; and at the time of retention, are not anticipated to become employees or affiliates of a Party. This definition includes ESI vendors and professional trial consultants retained to assist a Party or that Party's counsel in connection with the Bankruptcy Proceedings." Id. at 5–6.

⁷ Id. at 10–12.

⁸ Id. at 16.

⁹ Id. at 16–17.

4. There is no provision in the Protective Order that restricts what information can be presented to (under seal) or seen by the Court, and, to the Debtors' knowledge, they have never seen a provision in a protective order that has such a prohibition.

5. On April 17, 2025, the Court entered the Estimation CMO. In the Estimation CMO, the Court ordered that the "Debtors and ACC shall exchange their initial expert reports setting forth their estimate of the Debtors' liability for current and future mesothelioma claims . . . on or before September 15, 2025."¹⁰ The Estimation CMO further provided that "[c]onfidential information contained in or provided with the Initial Expert Reports shall be governed by the terms of the [Protective Order]."¹¹ None of the issues the ACC is now raising in the Motion to Amend were raised at this time the Estimation CMO was entered, or, in fact, at any time until the eve of the exchange of expert reports.

6. At the March 27, 2025 hearing, the parties did debate whether the Initial Expert Reports would be initially submitted to the Court. The Court ultimately stated in its oral comments at the April 15 hearing that "on the issue of whether the reports will be submitted to the Court, the order is going to provide that they are not. They're simply to be exchanged by the parties directly."¹² The Court later noted that "my goal was to track as close to, essentially, Rule 26 as possible."¹³

7. On September 12, 2025, three days prior to the parties' exchange of the Initial Expert Reports, counsel for the Debtors reached out to counsel for the ACC and FCR to determine if agreement could be reached to temporarily treat the Initial Expert Reports as Professional Eyes

¹⁰ See Estimation CMO, ¶ 3.

¹¹ Id.

¹² See Apr. 15, 2025 Hr'g Tr. at 6:9–10.

¹³ Id. at 10:18–19.

Only under the terms of the Protective Order for a period of 10 days after exchange of those reports, until September 26, 2025, to allow the Parties the opportunity to review each other's reports and designate any information requiring Professional Eyes Only treatment.¹⁴ The Debtors further suggested that at the end of that process, two final versions of the Initial Expert Reports would be created: (a) an unredacted Professional Eyes Only version and (2) a redacted Confidential version.¹⁵

8. While the Parties reached agreement on the 10-day Professional Eyes Only treatment for the Initial Expert Reports, during the course of those negotiations, the ACC proposed for the first time that the Initial Expert Reports be treated as something the ACC described as "Confidential Plus," whereby they would be "not subject to the provisions for disclosure or use otherwise provided under the Protective Order."¹⁶ The ACC later clarified (and the Motion to Amend makes clear) that its proposal includes a restriction that the Initial Expert Reports can never be disclosed to the Court (under seal or otherwise) unless all parties agreed, or the Court so orders (without first seeing the reports to make such a determination).¹⁷ Further, while the language of the ACC's proposal in the Motion to Amend is not completely clear, based on discussions among counsel, the ACC expressed an objection to the Debtors providing the Initial Expert Reports to their insurers.¹⁸ This, despite the fact that the insurers have requested copies of the Initial Expert

¹⁴ See Email Exchange between Natalie Ramsey and Morgan Hirst, dated September 12–13, 2025 (attached as Exhibit A).

¹⁵ See id.

¹⁶ See id.

¹⁷ See Motion to Amend, at 9–10.

¹⁸ See Email Exchange between Natalie Ramsey and Morgan Hirst, dated October 3–October 5, 2025 (attached as Exhibit B).

Reports and are "Authorized Recipients" otherwise entitled to receive Confidential Information under the terms of the Protective Order.

9. The Debtors rejected the ACC's proposal. The Debtors pointed out that the ACC's 11th hour proposal to change the Protective Order was belated, unnecessary, and improper. The Debtors also noted that their insurers had requested copies of the Initial Expert Reports and that the Debtors intended to share the Confidential versions of the Initial Expert Reports that had redacted all Professional Eyes Only information with the insurers consistent with the terms of the Protective Order.¹⁹

10. The Parties continued to meet and confer to try to resolve the disagreements. The Parties were able to agree to redactions to the Initial Expert Reports to remove Professional Eyes Only materials, and also to the creation of: (a) an unredacted Professional Eyes Only version of the Initial Expert Reports and (b) a redacted Confidential version of the Initial Expert Reports, which were exchanged on October 10, 2025. The Parties were not, however, able to agree to the ACC's unprecedented demand that, absent its consent or order of the Court (without the Court being able to see the reports to make its determination), the parties agree to never (a) submit Initial Expert Reports to the Court for any reason, nor (b) provide them to the Debtors' insurers.

11. As a result, the ACC indicated it intended to file the Motion to Amend no later than October 10, 2025, and asked the Debtors and the FCR to agree to a shortened notice for that motion so it could be heard at the October 23, 2025 omnibus hearing (with a 7-day objection deadline rather than the typical 14-day objection deadline). The Debtors and the FCR agreed to such shortened notice.

¹⁹ See id. at 2. The Debtors have not shared any version of the Initial Expert Reports with their insurers pending resolution of the instant Motion to Amend.

12. In its Motion to Amend, the ACC attribute a number of statements (without support) to the FCR and the Debtors that the ACC represents occurred during the meet and confer process. For instance, the ACC claims without any support: "the communications [to the ACC in meet and confers] indicated to the Committee that the FCR intended to imminently file the Initial Expert Reports for the Court's review."²⁰ The Debtors were not party to any written communication or to any phone or video conference where the FCR made any such statement.

13. As to the Debtors, the ACC claims: "[t]he Debtors, for their part, have indicated that they disagree that the Court did not intend for the Initial Expert Reports to be filed." Again, the ACC provides no support for this assertion, and the Debtors never made any such statement, as the Debtors are well aware of the Court's instructions from April 2025 and followed them in exchanging the Initial Expert Reports here. What the Debtors do take issue with, and informed the ACC that it took issue with repeatedly during the meet and confer process, is: (a) the idea that the ACC can restrain its adversaries from ever submitting any portion of these reports to the Court absent the ACC's express permission or the need for a separate court order and (b) that the Debtors could not share redacted "Confidential" versions of the Initial Expert Reports with their insurers (or any other Authorized Recipients entitled to see such Confidential Materials under the Protective Order).²¹ These demands are unprecedented, unwarranted, and should be rejected.

ARGUMENT

14. Rule 26(c) governs the issuance (and, in this case, amendment) of protective orders and permits a Court to issue such an order "for good cause." Fed. R. Civ. P. 26(c). To meet the "good cause" requirement, the "burden is on the party requesting a protective order to demonstrate

²⁰ Motion to Amend, ¶ 10.

²¹ See Exhibit B, at 2.

that (1) the material in question is a trade secret or other confidential information within the scope of Rule 26(c), and (2) disclosure would cause an identifiable, significant harm." Deford v. Schmid Products Co., 120 F.R.D. 648, 652–53 (D. Md. 1987) (citing Cipollone v. Liggett Grp., Inc., 785 F.2d 1108, 1121 (3d Cir. 1986)).

15. The ACC's Motion to Amend does not establish the good cause necessary to amend the Protective Order and create a special category of protection for the Initial Expert Reports. The Protective Order in its current form already includes two levels of confidentiality protection—one for materials that are Professional Eyes Only and one for Confidential Information. The Parties have already utilized the Protective Order to designate any claimant settlement information contained in the Initial Expert Reports as Professional Eyes Only, and the Debtors designated the remainder of the reports as Confidential. This ensures that a very limited subset of individuals will have access to even the redacted "Confidential" version of the Initial Expert Reports, and a far smaller group will have access to the unredacted "Professional Eyes Only" versions of those reports. These designations also ensure that the filing of any portion of these Initial Expert Reports with this Court will be done under seal.

16. The ACC remains unsatisfied. Instead, what the ACC is proposing is unprecedented and unnecessary. First, the ACC is asking for an order providing that absent agreement from the ACC, or order of this Court authorizing such a submission,²² no party can ever disclose any portions of the Initial Expert Reports to the Court, even if they do so under seal pursuant to the Protective Order and pursuant to the many various ways experts reports might be disputed and therefore come before a court. Tellingly, the ACC does not cite a single case where a court has adopted such an approach, and the Debtors are unaware of any.

²² As noted, under the ACC's proposal, such a Court order would need to be provided without the Court having any context for why it is issuing the order.

17. Nor does the ACC even attempt to identify any harm it would suffer if the Initial Expert Reports were disclosed to the Court, let alone the "specific prejudice or harm, such as annoyance, embarrassment, oppression, or undue burden or expense" required to demonstrate good cause for the amendment to the Protective Order. U.S. ex rel. Davis v. Prince, 753 F. Supp. 2d 561, 567–68 (E.D. Va. 2010); Beall v. Novartis Pharms. Corp., 2010 WL 11636188, at *2 (N.D. W. Va. Mar. 8, 2010) (movant "must show with specificity that disclosure would cause defined and serious injury upon a party or that there is a need to protect a party or third person from annoyance, embarrassment, or oppression.") (quotation omitted). The closest the ACC comes to even attempting to articulate an argument is its suggestion that the Court should "clarify its instructions that the typical procedures regarding expert discovery will apply."²³ But that is not a specific prejudice or harm that would result from disclosure to the Court. And the remedy the ACC proposes is anything but "typical procedures regarding expert discovery." While it is correct that Rule 26(a)(2) calls for the parties to "disclose to the other parties," rather than "file" their expert reports,²⁴ nothing in Rule 26 (nor any other authority the Debtors have located) provides that a litigant is barred from disclosing the contents of an expert report to the Court if the need arises, and indeed expert reports (or portions thereof) are regularly disclosed to courts in a variety of contexts.²⁵ The ACC's proposal is also contrary to the Local Rules, both of the District Court (which permits litigants to file expert reports where "the materials are needed for an in-Court proceeding or the materials are filed to support or oppose a motion or petition")²⁶ and this Court,

²³ Motion to Amend, ¶ 14.

²⁴ Fed. R. Civ. P. 26(a)(2).

²⁵ For example, expert reports or portions thereof are routinely submitted to courts in connection with discovery motions, Daubert motions, and dispositive motions, just to name a few.

²⁶ W.D.N.C. L.R. 26.2.

which do not even list expert reports among the categories of "Discovery Materials" ordinarily not to be filed with this Court.²⁷

18. As the Court is aware, the subject of the Initial Expert Reports in these cases is the parties' experts' estimates of the Debtors' current and future asbestos liabilities. The Debtors, more than any litigant, have every incentive to ensure that confidential information contained in those Initial Expert Reports is properly protected, and the Debtors have done just that through their designations pursuant to the Protective Order. But the ACC's demand that the entirety of the Initial Expert Reports be permanently hidden from this Court's view is both unprecedented and unjustified under the case law. The only (albeit unspoken) harm that the ACC could suffer if these estimates are disclosed to the Court is the fear that disclosure to the Court will demonstrate that the ACC's estimates are facially unsupportable and improper. There is simply no other explanation that makes sense, and indeed, the ACC does not provide one anywhere in its Motion to Amend. But that fear does not amount to good cause entitling the ACC to an amendment to the protective order. See Prince, 753 F. Supp. 2d at 568 ("[I]mportantly, the fact that public disclosure²⁸ of discovery materials will cause some annoyance or embarrassment is not sufficient to warrant a protective order; the annoyance or embarrassment must be particularly serious"); Cipollone, 785 F.2d at 1121 ("[T]he harm must be significant, not a mere trifle").

19. Second, the ACC takes issue with the Debtors' stated "interest in providing the Initial Expert Reports to parties not involved in the estimation of *these Debtors'* asbestos liabilities."²⁹ The ACC's reference is bizarre, as the Debtors made clear to the ACC during meet

²⁷ Bankr. W.D.N.C. L.R. 7026-1.

²⁸ Of course, here the issue is not "public" disclosure, which none of the Parties are suggesting, but instead disclosure of the Initial Expert Reports *to the Court*.

²⁹ See Motion to Amend, ¶ 18.

and confer discussions that the only parties that have requested copies of the Initial Expert Reports are certain of the Debtors' insurers.³⁰ Those insurers very much have an interest in the outcome of the estimation of the asbestos liabilities of *these Debtors*. And more importantly, those insurers are permitted to receive Confidential Information under the terms of the Protective Order as Authorized Recipients.³¹ As the Debtors also told the ACC, consistent with the Protective Order, they intended to disclose to the insurers only the redacted "Confidential" versions of the Initial Expert Reports, and only after the insurers had signed the acknowledgment to abide by the terms of the Protective Order.³²

20. Finally, the ACC contends that its Motion to Amend should be granted because the other Parties to the Estimation Proceeding are not "harmed" by their proposal.³³ This is as beside the point as it is incorrect. It is beside the point, because to demonstrate "good cause" the ACC must show that it is harmed by disclosure to the Court, not that the Debtors and FCR are not. See, e.g., Rabin v. Google LLC, 702 F. Supp. 3d 880, 882 (N.D. Cal. 2023) ("Google also argues its proposed more restrictive order would not prejudice the Plaintiffs. But this gets the burden backwards. It is not enough that proposed restrictions will not prejudice Plaintiffs. . . . It is *Google* that must specifically show that it will be prejudiced or harmed in *this* particular case if its proposed restrictions are *not* adopted. This Google has not done.") (emphasis in original). It is incorrect because one litigant placing what amounts to an unprecedented prior restraint on the other litigants from ever disclosing to the Court expert opinions advanced pursuant to Rule 26 absolutely prejudices the other litigants to these proceedings. It is also incorrect because restricting

³⁰ See Exhibit B, at 2.

³¹ See Protective Order, ¶¶ A4, E1.

³² See Exhibit B, at 2.

³³ See Motion to Amend, ¶ 21.

the Debtors' ability to disclose the expert opinions to their insurer Authorized Recipients, insurers that the Debtors have been consulting with throughout these cases, absolutely creates harm.

21. The ACC's Motion to Amend does not seek to ensure confidential materials are not disseminated to the public at large; the parties have already agreed to the confidential treatment of these Initial Expert Reports under the Protective Order that ensures there is no such dissemination. Instead, the Motion to Amend is an effort by the ACC to hide from the Court and the Debtors' insurers the opinions of all of the experts on the central issue in these cases. That is certainly harmful to the Debtors' efforts to advance these bankruptcies and compromises the Debtors' ability to disclose information specifically about the central issue in these cases—the amount of the Debtors' current and future asbestos liabilities—as they may need to do so. The ACC's Motion to Amend should be denied.

CONCLUSION

22. In light of the foregoing, the Debtors respectfully request that the Court: (a) deny the ACC's Motion to Amend and (b) grant the Debtors such other and further relief as the Court deems appropriate.

Dated: October 17, 2025
Charlotte, North Carolina

Respectfully submitted,

/s/ John R. Miller, Jr.
C. Richard Rayburn, Jr. (NC 6357)
John R. Miller, Jr. (NC 28689)
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: rrayburn@rcdlaw.net
jmiller@rcdlaw.net

-and-

Brad B. Erens (IL Bar No. 6206864)
Mark A. Cody (IL Bar No. 6236871)
Morgan R. Hirst (IL Bar No. 6275128)
JONES DAY
110 North Wacker Drive Suite 4800
Chicago, Illinois 60606
Telephone: (312) 782-3939
Facsimile: (312) 782-8585
E-mail: bberens@jonesday.com
macody@jonesday.com
mhirst@jonesday.com
(Admitted *pro hac vice*)

ATTORNEYS FOR DEBTORS AND
DEBTORS IN POSSESSION

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

Subject: RE: Aldrich- Upcoming Initial Expert Reports

From: Ramsey, Natalie D. <NRamsey@rc.com>

Sent: Saturday, September 13, 2025 3:21 PM

To: Guy, Jonathan P. <jguy@orrick.com>; Hirst, Morgan R. <mhirst@jonesday.com>

Cc: Wright, Davis L. <DWright@rc.com>; Erens, Brad B. <bberens@jonesday.com>; Michael Evert <CMEvert@ewhlaw.com>; Rosenberg, Mike <mrosenberg@orrick.com>; jgrier <jgrier@grierlaw.com>; Felder, Debra L. <dfelder@orrick.com>; James Wehner <jwehner@capdale.com>; Katy Zende <kzende@capdale.com>; Mauceri, Rachel Jaffe <rmauceri@rc.com>; Todd E. Phillips <tphillips@capdale.com>

Subject: RE: Aldrich- Upcoming Initial Expert Reports

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Report Suspicious

All,

The Committee's comments are layered on top of the FCR's below in red:

Natalie D. Ramsey

Robinson & Cole LLP
1201 North Market Street
Suite 1406
Wilmington, DE 19801
Direct 302.516.1702 | Fax 302.516.1699
nramsey@rc.com | [Bio](#) | [V-Card](#)

Robinson+Cole

Boston | Hartford | New York | Washington, DC | Providence | Miami | Austin
Stamford | Wilmington | Philadelphia | Los Angeles | Albany | www.rc.com

From: Guy, Jonathan P. <jguy@orrick.com>

Sent: Friday, September 12, 2025 4:40 PM

To: Morgan R. Hirst <mhirst@jonesday.com>

Cc: Ramsey, Natalie D. <NRamsey@rc.com>; Wright, Davis L. <DWright@rc.com>; Brad B. Erens <bberens@jonesday.com>; Michael Evert <CMEvert@ewhlaw.com>; Rosenberg, Mike <mrosenberg@orrick.com>; jgrier <jgrier@grierlaw.com>; Felder, Debra L. <dfelder@orrick.com>

Subject: Re: Aldrich- Upcoming Initial Expert Reports

CAUTION:

EXTERNAL EMAIL

Morgan pls see my responses in caps for ease of reference.

Sent from my iPhone

On Sep 12, 2025, at 3:58 PM, Hirst, Morgan R. <mhirst@jonesday.com> wrote:

[EXTERNAL]

Natalie/Davis/Jonathan

In anticipation of the initial expert reports being served next Monday, September 15, we wanted to see if the parties might want to reach agreement on a couple of somewhat ministerial items concerning the exchange:

1. First, would the parties like to agree on a set time for service of the expert reports on Monday so we all are not waiting around at midnight watching each other's emails? I was going to suggest 5 eastern time but obviously can be flexible. AS THE PARTY WITH THE SHORTEST TIME TO PREPARE WE WILL NEED ALL THE TIME WE CAN AND IT MAY WELL BE LATE IN THE DAY AS WE ARE STILL WORKING ON IT. AS NOTHING URGENT IS HAPPENING WITH THEM HOPEFULLY THAT WONT BE AN ISSUE. **We agree that it would be preferable for the parties to agree to a simultaneous exchange. We are unsure of whether this response from the FCR suggests a desire to avoid a commitment to a time earlier than midnight – if it suggests a midnight exchange that is fine with us. On the other hand, if it is just suggesting that 5pm is too early, we suggest 10pm ET.**
2. Second, would the parties like to set a date for exchange of reliance materials? We should be ready by end of next week. I SUSPECT WE CAN EXCHANGE/IDENTIFY THE RELIANCE MATERIALS THE FOLLOWING WEEK. AGAIN NO URGENT RUSH **We agree that there is no urgency and suggest end of month (September 30th) as the deadline for exchange/identification of reliance materials.**

Third, the Debtors believe the upcoming Bates White report should be marked as Confidential under the terms of the Agreed Protective Order in this case. We think that is likely also true for the upcoming reports from LAS and Brattle. However, to give each party an opportunity to be sure that there is no disclosure of Professional Eyes Only information in the report, should we agree to designate the reports as "Professional Eyes Only" under the Agreed Protective Order for a short period of time after service? This would allow the parties to review the reports before those reports' designation was "reduced" to Confidential. I suspect we will all agree that is the appropriate long-term designation for the reports, but we were going to suggest that, if after review of the reports a party has a different view as to the appropriate designation, we would agree to meet and confer on that issue prior to Noon eastern time on Friday September 26, at which time we would suggest the reports be then designated as "Confidential." AGREED. WE WILL BE REFERENCING CERTAIN INFORMATION WHICH I SUSPECT THE ACC MAY WANT ATTORNEYS EYES ONLY PENDING THEIR REVIEW. **With regard to the PEO designation, we also agree to a limited period of PEO with regard to the written reports, which designation will become immediately "reduced" following a meet and confer with the following caveats: (1) the parties could nevertheless share the estimates and/or conclusions of those reports verbally with our clients immediately; and (2) in connection with the de-designation of the reports as PEO, the Protective Order requires that any disclosure of the contents of the Asbestos Claims Database requires the Debtors' written consent or Court Order; we ask that the Debtors' consent not be provided over the objection of the Committee or FCR, and that any such information be shared over objection only following Court Order.**

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With regard to the “Confidential” designation, based on the Court’s prior statements regarding disclosure and use of the reports, we suggest instead that the parties agree that the contents of the report will be “Confidential Plus” and not subject to the provisions for disclosure or use otherwise provided under the Protective Order until such time as final expert reports are delivered, at which time they would become “Confidential.”

Let us know if you agree with the above suggestions, or you have other views you would like to discuss. If possible, it would be great to hear back from you today so we can have a plan for Monday. **We hope that you are all enjoying the weekend and look forward to hearing from you.**

Have a good weekend.

Morgan R. Hirst
Partner
[JONES DAY® - One Firm WorldwideSM](#)
110 North Wacker Drive
Suite 4800
Chicago, Illinois 60606
Office +1.312.269.1535
Mobile +1.773.490.2039
mhirst@jonesday.com

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EXHIBIT B

Subject: RE: Aldrich/Murray - proposed addendum

From: Ramsey, Natalie D. <NRamsey@rc.com>

Sent: Sunday, October 5, 2025 7:15 PM

To: Hirst, Morgan R. <mhirst@jonesday.com>; Katy Zendehe <KZendehe@Capdale.com>; Erens, Brad B. <bberens@jonesday.com>; Michael Evert <cmevert@ewhlaw.com>; 'jguy@orrick.com' <jguy@orrick.com>; Benjamin Rhodes <brhodes@grierlaw.com>; Horkovich, Robert M. <Rhorkovich@andersonkill.com>; Rosenberg, Mike <mrosenberg@orrick.com>; 'Cotten Wright' <cwright@grierlaw.com>

Cc: Wright, Davis L. <DWright@rc.com>; James Wehner <jwehner@capdale.com>; Kami E. Quinn

<quinnk@gilbertlegal.com>; Heather Frazier <frazierh@gilbertlegal.com>

Subject: RE: Aldrich/Murray - proposed addendum

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Thank you, Morgan, for the below email.

With respect to the first bullet, we look forward to your response.

With respect to the second bullet, as you note, the Committee has no objection to the principals to estimation having access to the Initial Expert Reports, with the PEO information redacted as required by the terms of the Protective Order. Consistently, we intend to share the redacted Initial Expert Reports with the Committee members and representatives once the Parties have reached agreement on the final set of redactions.

With respect to the third bullet, we appreciate the Parties' desire to move forward quickly to resolve the Committee's position that the Initial Expert Reports should be subject to the use and limited distribution restrictions we have proposed. If the FCR is also in agreement with having a motion raising the Committee's position regarding use of and access to the Initial Expert Reports heard at the October hearing, we will commit to filing such a motion by Friday, October 10th.

With respect to the fourth bullet, the Committee objects to disclosure of the Initial Expert Reports to any person who is not a party to the estimation proceeding. Aside from the insurance concerns, we are aware of no reason why the insurers (or any person not a party to the estimation proceeding in this case) should be provided with access to the Initial Expert Reports at this stage of the case, and there is certainly no urgency to do so. We ask the Debtors to reconsider and maintain the limited scope of disclosure to the estimation parties pending Court determination.

Finally, as always, the Committee is prepared to consider facts and circumstances of which we may not be aware that may inform its consent to broader dissemination in advance of the Court's determination of the Committee's Motion.

If a further meet and confer on these matters would be helpful, please propose some times that would work for the Debtors.

Natalie

Natalie D. Ramsey

Robinson & Cole LLP

1201 North Market Street

Suite 1406

Wilmington, DE 19801

Direct 302.516.1702 | Fax 302.516.1699

nramsey@rc.com | [Bio](#) | [V-Card](#)

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From: Hirst, Morgan R. <mhirst@jonesday.com>

Sent: Friday, October 3, 2025 2:05 PM

To: Katy Zende <KZende@Capdale.com>; Ramsey, Natalie D. <NRamsey@rc.com>; Brad B. Erens <bberens@jonesday.com>; Michael Evert <cmevert@ewhlaw.com>; 'jguy@orrick.com' <jguy@orrick.com>; Benjamin Rhodes <brhodes@grierlaw.com>; Horkovich, Robert M. <Rhorkovich@andersonkill.com>; Rosenberg, Mike <mrosenberg@orrick.com>; 'Cotten Wright' <cwright@grierlaw.com>

Cc: Wright, Davis L. <DWright@rc.com>; James Wehner <jwehner@capdale.com>; Kami E. Quinn <quinnk@gilbertlegal.com>; Heather Frazier <frazierh@gilbertlegal.com>

Subject: RE: Aldrich/Murray - proposed addendum

CAUTION:

EXTERNAL EMAIL

ACC and FCR Teams:

I appreciate the call on Wednesday and the e-mails of last night and this morning. On behalf of the Debtors:

- We are looking closely at your proposals as to what information in the Initial Expert Reports is Professional Eyes Only and revert today or Monday. Based on our initial review, the ACC's PEO designations look largely similar to our own and all relate to information contained in the Debtors' claims database. We will get back to you no later than Monday morning after we have had a chance to study them closer. If you happen to have the paragraph/line numbers of the redactions, it might speed up our review.
- Despite the fact that the Protective Order makes clear that the Debtors and NDAs are entitled to review PEO material, we have, out of an abundance of caution, held the Initial Expert Reports back for the past 2 ½ weeks while the parties discussed these issues. Consistent with that, we understood from the call on Wednesday that no Party objects to the Debtors or NDAs having access to the Initial Expert Reports. Further, as noted above, all of the ACC's PEO designations related to information from the Debtors' claims database. In light of all that, we will share the unredacted, original Professional Eyes Only Reports with the Debtors and the NDAs today.
- Separately, we have received the ACC's proposal to create a new level of protection for these Initial Expert Reports beyond anything that is currently in the Protective Order. The Debtors disagree. We are frankly baffled as to why these Initial Expert Reports would be deserving of some greater protection than defined in the Protective Order, particularly since the actual data in the reports is almost exclusively that of the Debtors. We are further baffled why the ACC's proposal was never raised in the five plus months since the Court ordered the Initial Expert Reports. We see no basis for the request, and do not agree to it. If you wish to file a motion on shortened notice for the October hearing, we have no objection to that, but we would ask the motion be filed by next Friday October 10 so we have ample time to respond before the October 23 hearing. Ill note that the Debtors do not speak for the FCR on this point concerning shortened notice.
- Further, as discussed on our call, certain of the Debtors' insurers have requested receipt of the Initial Expert Reports. We strongly disagree with the notion that disclosure of the reports somehow imperils coverage, a position the ACC has suggested may be a concern. We believe our insurers are clearly entitled to receive the redacted Confidential versions of the reports upon agreeing to be bound by the Protective Order. Once the PEO issue described in bullet 1 is resolved (hopefully by next Monday) and the redactions are input, we intend to make the Confidential, redacted reports available to any insurers who signs the Protective Order. Please advise us if you

Morgan R. Hirst
Partner
JONES DAY® - One Firm WorldwideSM
110 North Wacker Drive
Suite 4800
Chicago, Illinois 60606
Office +1.312.269.1535
Mobile +1.773.490.2039
mhirst@jonesday.com

From: Katy Zendeh <KZendeh@Capdale.com>
Sent: Thursday, October 2, 2025 6:05 PM
To: Ramsey, Natalie D. <NRamsey@rc.com>; Hirst, Morgan R. <mhirst@jonesday.com>; Erens, Brad B. <bberens@jonesday.com>; Michael Evert <cmevert@ewhlaw.com>; 'jguy@orrick.com' <jguy@orrick.com>; Benjamin Rhodes <brhodes@grierlaw.com>; Horkovich, Robert M. <Rhorkovich@andersonkill.com>; Rosenberg, Mike <mrosenberg@orrick.com>; 'Cotten Wright' <cwright@grierlaw.com>
Cc: Wright, Davis L. <DWright@rc.com>; James Wehner <jwehner@capdale.com>; Kami E. Quinn <quinnk@gilbertlegal.com>; Heather Frazier <frazierh@gilbertlegal.com>
Subject: RE: Aldrich/Murray - proposed addendum

All – As discussed, attached are the Committee’s proposed redactions to the Initial Expert Reports. Happy to discuss if needed.

Thanks,
Katy

Katy Zendeh

Member

t. 202.862.5031 | m. 918.384.9100 | kzendeh@capdale.com

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Washington, D.C.



From: Ramsey, Natalie D. <NRamsey@rc.com>
Sent: Thursday, October 2, 2025 6:44 PM
To: Hirst, Morgan R. <mhirst@jonesday.com>; Brad B. Erens <bberens@jonesday.com>; Michael Evert <cmevert@ewhlaw.com>; 'jguy@orrick.com' <jguy@orrick.com>; Benjamin Rhodes <brhodes@grierlaw.com>; Horkovich, Robert M. <Rhorkovich@andersonkill.com>; Rosenberg, Mike <mrosenberg@orrick.com>; 'Cotten Wright' <cwright@grierlaw.com>

Cc: Wright, Davis L. <DWright@rc.com>; Katy Zendeher <KZendeher@capdale.com>; James Wehner <jwehner@capdale.com>; Kami E. Quinn <quinnk@gilbertlegal.com>; Heather Frazier <frazierh@gilbertlegal.com>

Subject: EXTERNAL: Aldrich/Murray - proposed addendum

Counsel,

In accordance with last night's meet and confer, please find attached the requested Committee's proposed addendum to the Protective Order to address the Initial Expert Reports.

The proposed PEO designations will be sent by Jim or Katy under separate cover.

We appreciate the constructive dialogue.

Kind regards, Natalie

Natalie D. Ramsey

Robinson & Cole LLP
1201 North Market Street
Suite 1406
Wilmington, DE 19801
Direct 302.516.1702 | Fax 302.516.1699
nramsey@rc.com | [Bio](#) | [V-Card](#)

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-----Original Appointment-----

From: Wright, Davis L. <DWright@rc.com>

Sent: Wednesday, October 1, 2025 4:54 PM

To: Wright, Davis L.; Ramsey, Natalie D.; Kami E. Quinn; Heather Frazier; Katy Zendeher; James Wehner; Brad B. Erens

Cc: Benjamin Rhodes; Horkovich, Robert M.; Guy, Jonathan P.

Subject: Aldrich call

When: Wednesday, October 1, 2025 6:00 PM-7:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where:

Davis Lee Wright is inviting you to a scheduled Zoom meeting.

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