

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

In re

ALDRICH PUMP LLC, *et al.*,

Debtors.¹

Chapter 11

Case No. 20-30608 (LMJ)

(Jointly Administered)

**THE FUTURE ASBESTOS CLAIMANTS’ REPRESENTATIVE’S RESPONSE IN
OPPOSITION TO THE MOTION BY THE ESTATE OF ROBERT SEMIAN AND 46
OTHER CLAIMANTS REPRESENTED BY MAUNE RAICHLÉ TO ALLOW THEIR
PARTICIPATION IN ALL PROCEEDINGS**

Joseph W. Grier, III, the representative for future asbestos claimants in the above-captioned cases (the “FCR”), through counsel, hereby files this *Response in Opposition to the Motion By The Estate Of Robert Semian And 46 Other Claimants Represented By Maune Raichle to Allow Their Participation in All Proceedings* (the “Motion to Participate”) (Dkt. 3012) filed on behalf of the Estate of Robert Semian and the forty-six (46) other claimants (the “Maune Claimants”) represented by Maune Raichle Hartley French & Mudd, LLC.

The Court’s original case management order (the “CMO”) for estimation proceedings specifically defines the “Parties” as the FCR, the Debtors, the ACC, Trane U.S. Inc., and Trane Technologies LLC.² As such, only those Parties may act as litigants in any estimation proceeding, with the right to conduct fact and expert discovery, present evidence, and cross-examine witnesses. The CMO does not limit any creditor’s rights to participate in these cases as parties in interest,

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 Dkt. 1302, Case Management Order for Estimation of Asbestos Claims, Para. 1.



which allows them to brief and argue issues in the ordinary course.³ Indeed, as the Court is aware, the Maune Claimants have vigorously and uniquely exercised those rights in opposing both estimation and the FCR's recent motion for a tort value estimation trial. Rather, the CMO, simply, and reasonably, limits the litigants to the estimation proceedings, which the Court has determined should go forward over the Maune Claimants' strenuous objection. By their Motion to Participate, it appears the Maune Claimants now seek, years later, to formally intervene in the estimation litigation and to be added as additional litigant Parties to the CMO.⁴ The Motion to Participate should be denied.

First, the Motion to Participate is untimely. In September 2021, the Debtors filed their estimation motion.⁵ In August 2022, the Court entered its CMO, which identified the Parties, *i.e.*, the litigants, to future estimation proceedings.⁶ In March 2025, the Debtors moved to amend the CMO to require the Parties to prepare initial expert reports.⁷ In April 2025, the Court granted the Debtors' motion and ordered the exchange of expert reports by September 15, 2025.⁸ In November 2025, the FCR filed his motion for an estimation trial based on the experts' testimony as to tort system values (the "Phase I Estimation Trial"), seeking to streamline and expedite the estimation process.⁹ Following hearings on December 17, 2025 and January 15, 2026, and much discussion

³ See 11 U.S.C. § 1109(b) (providing that creditors are parties in interest and may appear and be heard on any issue in a Chapter 11 case).

⁴ The Motion to Participate is innocent of case and statutory law and specificity. However, if the Maune Claimants are not seeking to intervene as a Party to the estimation proceedings, the Motion to Participate would appear to have no purpose.

⁵ Dkt. 833, *Motion of the Debtors for Estimation of Prepetition Asbestos Claims*.

⁶ Dkt. 1302.

⁷ Dkt. 2562, *Debtors' Motion to Amend CMO for Estimation of Asbestos Claims*.

⁸ Dkt. 2656, *Second Amended Case Management Order for Estimation of Asbestos Claims*.

⁹ Dkt 2941, *Aldrich, Motion for an Order Commencing the Estimation Trial with Hearings Based on Tort System Values and the Parties' Expert Reports*.

among the Parties, the Court granted the FCR's motion and entered a consensual order scheduling the Phase I Estimation Trial for August 10 through 14, 2026.¹⁰

From the outset, the Maune Claimants, exercising their rights as parties in interest, vehemently objected to any estimation proceeding, arguing repeatedly that these cases should be dismissed.¹¹ They did so notwithstanding the Court's and the Fourth's Circuit's repeated rejection of that position and the fact that dismissal would not reflect the best interests of the class of current claimants. Now, facing the reality of the imminent Phase I Estimation Trial to which they were opposed, and after years of discovery, millions of dollars of professional fees, and the preparation of detailed expert reports, the Maune Claimants finally seek to participate as litigants in that and any later estimation proceedings. Their request comes far too late. The Debtors' original estimation motion was filed in 2021, five years ago. The Maune Claimants received notice of that motion and had the opportunity to speak up at the time. Therefore, at this late date, the Motion to Participate must be denied in accordance with Fourth Circuit precedent.¹²

Second, the barebones Motion to Participate does not reference the controlling Bankruptcy Rule governing intervention, Rule 2018, let alone attempt to demonstrate cause as required by that Rule.¹³ Nor, for that matter, does the Motion to Participate point the Court to any applicable case law. Instead, the Maune Claimants merely assert that "they believe their right to participate in the

¹⁰ Dkt. 3011, *Order Commencing Phase I of the Estimation Trial With Hearings Based on the Tort System Extrapolation Method and the Parties' Expert Reports*.

¹¹ See, e.g., Dkt. 2970, *Response of the Estate of Robert Semian and 46 Other Claimants Represented by Maune Raichle Hartle French & Mudd, LLC to the Future Asbestos Claimants' Representative's Motion For An Order Commencing The Estimation Trial With Hearings Based On Tort System Values and the Parties' Expert Reports*.

¹² See Matter of Richman, 104 F.3d 654, 659 (4th Cir. 1997) (affirming denial of intervention where party failed to act in a timely fashion).

¹³ See Bankruptcy Rule 2018 (a) ("After hearing on such notice as the court orders and *for cause*, the court may permit an interested entity to intervene generally or in any specified matter.") (Emphasis added); Matter of Richman at 658 (party in interest may have standing to intervene but "must still separately satisfy the requirements for intervention in order to participate in an adversary proceeding.").

estimation ordered by this Court is self-evident.”¹⁴ At bottom, the Motion to Participate does not give the Court any basis for granting the relief requested.

Third, the Maune Claimants’ participation in the estimation proceedings as a Party would not add value to any estimation proceedings. The entire point of the upcoming Phase I Trial is so that the Court may—as painlessly as possible—estimate the Debtors’ asbestos liabilities based on the tort value testimony of the experts for the FCR, Debtors, and ACC.¹⁵ The Maune Claimants have not engaged in any of substantial work that resulted in the Parties’ reports and have no expert report of their own. Thus, the Maune Claimants’ participation would, at best, be duplicative of the position of the ACC, whose mandate is to advocate for the best interests of the current claimant body with the able representation by four separate law firms.¹⁶ Any incremental value the Maune Claimants might add is especially dubious given their stated view that an estimation trial is pointless, having told the Court that “neither the ‘1,400 case’ estimation nor Mr. Grier’s proposed ‘tort-system experience’ estimation is going to assist the Debtors, Mr. Grier, or the claimants in deciding whether to support the Debtors’ and FCR’s plan.”¹⁷

Fourth, at the January 15th hearing, the Court saw how cumbersome it can be when multiple ACC counsel argue the same issue at the same time. Adding just the Maune Claimants’ counsel at any estimation trial would compound that problem, to no benefit to the class or even the Maune Claimants themselves, while undermining the goal of concluding the Phase 1 trial in a matter of days.¹⁸ Moreover, if the Court were to include the 47 Maune Claimants as Parties, there

¹⁴ Motion to Participate, at p. 1.

¹⁵ Dkt. 2941, *Motion for Estimation Trial*, (filed November 25, 2025).

¹⁶ One of the Maune claimants, Carol Gard, Executrix of the Estate of William Dixon Gard, sits on the newly constituted ACC as a fiduciary for the class of current claimants, Dkt. 2885. Previously, another Maune client, Joseph Hamlin, also had been appointed to the committee at the inception of these cases but died years before the ACC was reconstituted. It was recently (and disturbingly) revealed that Maune and other committee tort law firms whose clients had also died directed ACC counsel to act in these cases, including seeking dismissal, without creditor involvement.

¹⁷ Dkt. 2970, *Maune Claimants’ Response to FCR’s Motion for Estimation*, (filed Dec. 10, 2025).

¹⁸ *Id.*

would be nothing to stop all the clients of other tort law firms, including those on the Committee, from moving for the same relief, bringing in thousands of claimants. This would render both the ACC a nullity and the Phase I trial an impossibility, the boundaries of which have been so painstakingly and carefully set by the Court.¹⁹

Fifth, the Maune Claimants' participation as litigants in a trial that is designed to move these cases forward for the collective benefit of the classes of claimants is particularly troublesome considering that they have aggressively argued against with those classes' best interests from the beginning of these cases. By way of example, the Maune Claimants have unsuccessfully moved for relief from the automatic stay,²⁰ moved to dismiss,²¹ appealed the denial of the motion to dismiss,²² and appealed from the denial of the motion for relief from the automatic stay.²³ Having repeatedly attempted (and failed) to stymie these proceedings, it is not credible that the Maune Claimants would now assist the Court in the very estimation process that they have opposed at every turn.

For the foregoing reasons, the Maune Claimants should not be permitted to participate as a Party litigant in the upcoming Phase 1 trial or any later estimation proceeding. Nevertheless, as set out in Bankruptcy Rule 1001, that in no way would impede their right, as a general matter, to appear and argue as creditor parties in interest, subject to the Court's right to manage and control its docket.²⁴

¹⁹ Dkt. 3011, *Aldrich, Order Commencing Phase I of the Estimation Trial With Hearings Based on the Tort System Extrapolation Method and the Parties' Expert Reports*, (filed Jan. 23, 2026).

²⁰ Dkt. 1588, *Robert Semian's Motion for Relief from the Automatic Stay*, (filed Jan. 24, 2023).

²¹ Dkt. 1712, *Motion to Dismiss*, (filed Apr. 6, 2023).

²² Dkt. 2059, *Motion for Leave to Appeal*, (filed Jan. 11, 2024).

²³ Dkt. 2456, *Notice of Appeal*, (filed Nov. 27, 2024).

²⁴ See generally Federal Rules of Bankruptcy Procedure 1001 ("These rules, together with the Official Bankruptcy Forms, govern the procedure in cases under the Bankruptcy Code, Title 11 of the United States Code. They must be construed, administered, and employed by both the court and the parties to secure just, speeding, and inexpensive determination of every case and proceeding.").

WHEREFORE, the FCR respectfully requests that the Court enter an Order denying the Motion to Participate and granting such further relief as is just and proper.

Dated: February 6, 2026
Charlotte, North Carolina

Respectfully submitted,

/s/ A. Cotten Wright

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