

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 (LMJ)

(Jointly Administered)

REPLY OF THE ESTATE OF ROBERT SEMIAN AND 46 OTHER CLAIMANTS
REPRESENTED BY MAUNE RAICHLÉ HARTLEY FRENCH & MUDD, LLC
IN SUPPORT OF MOTION TO ALLOW THEIR PARTICIPATION
IN ALL PROCEEDINGS

The MRHFM Claimants (“Movants”)² are parties-in-interest under 11 U.S.C. § 1109 and are entitled to participate in discovery and estimation. Only after the Debtors refused to acknowledge this did the Motion to Allow Participation (Dkt. 3012) become necessary. While the Debtors’ opposition is predictable, it is hard to fathom why the Future Asbestos Claimants’ Representative (“FCR”) is against mesothelioma claimants being represented at estimation—at least those who deign to stand on their rights and reject Trane’s ill-fated effort to overcome the tort system. Notably, the Official Committee

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 Maune Raichle Hartley French & Mudd, LLC (“MRHFM”) represents The Estate of Robert Semian, forty-one (41) other claimants who have filed proofs of claim in this case, and certain mesothelioma victims who were diagnosed after the claims bar date and have claims against the Debtors (collectively, “MRHFM Claimants”), who hereby file this Reply in support of their Motion to Allow Participation in All Proceedings (Dkt. No. 3012).



of Asbestos Personal Injury Claimants (“ACC”) supports the Movants’ position. *See* Dkt. 3027.

The MRHFM Claimants seek to cross-examine the Debtors’ and the FCR’s witnesses in both phases of the estimation trials and to participate in pre-trial discovery depositions of these witnesses. The Movants will not offer expert testimony or evidence in either phase of estimation, so nothing in the agreed scheduling order must change. *See* Dkt. 3011. This distinction is critical and undermines the Debtors’ and FCR’s objections.

ARGUMENT

I. The Movants’ Request Does Not Require Formal Intervention Under Rule 2018

The Debtors and FCR devote substantial briefing to the standards governing formal intervention under Bankruptcy Rules 2018, 7024, and Federal Rule of Civil Procedure 24. That analysis is inapplicable to the relief requested here. For example, Rule 7024, which incorporates Federal Civil Rule 24, only applies to adversary proceedings and not the contested matters of estimation and mediation in which the parties are currently involved. The Debtors also contend the Movants are not capital-P “Parties,” as that term is used in relevant orders. *See* Dkts. 1302, 3011. But this is a distinction without a difference. The Movants agree to follow the Estimation Orders and comply with applicable deadlines. They will not be offering expert testimony in either phase of estimation and intend only to cross-examine the experts called by the Debtors

and the FCR. This eliminates most of the expressed concerns about timing and disclosure raised in the Debtors' and the FCR's objections. *See* Dkt. 3028 at 10-11; Dkt. 3026 at 1-2.

Most of the case law cited by the Debtors and the FCR addresses the standards for intervention in adversary proceedings, not contested matters such as the Estimation Proceeding. *See, e.g., Matter of Richman*, 104 F.3d 654 (4th Cir. 1997) (addressing intervention in an adversary proceeding). Where contested matters are discussed in the Debtors' cited authorities, the courts addressed situations in which parties sought far more extensive inclusion and intervention than the limited participation the MRHFM Claimants request here.³ The distinction is significant. Cross-examination of expert witnesses is a far cry from the kind of wholesale intervention that raises the case-management concerns identified in *Richman*.

More recent authority from the First Circuit highlights the broad rights granted to parties-in-interest by 11 U.S.C. § 1109, which provides that they "may raise and may appear and be heard on any issue in a case under this chapter." *In re Financial Oversight and Mgmt. Board of Puerto Rico*, 872 F.3d 57, 62 (1st Cir. 2017). The court in *In re Financial Oversight* held that Section 1109 in fact grants parties-in-interest an unconditional right to intervene in adversary proceedings. *Id.* That logic applies with stronger force to contested matters, which are often informal and include wide participation by many "lowercase-

³ Another case, *Steamfitters Local Union No. 420 v. United Biosource Corp.*, 2025 WL 3059867 (E.D. Pa. Oct. 31, 2025), was not even directly related to bankruptcy, and instead the district court analyzed in *dicta* whether a litigant had had a full and fair opportunity to litigate certain issues in a wholly separate bankruptcy case.

p” parties, such as trustees, creditors, and U.S. Trustees/Bankruptcy Administrators. The Debtor and FCR’s contention that Section 1109 only permits parties in interest to object to contested matters or submit briefing, but not engage more substantively, is wrong.

II. The Movants Meet the Threshold for Intervention in Contested Matters Under Rule 2018

Even if the Court interprets their Motion as a request for intervention, the MRHFM Claimants satisfy the Rule 2018(a) factors courts generally consider: “(1) whether the moving party has an economic or similar interest in the matter; (2) whether the interests of the moving party are adequately represented by the existing parties; (3) whether the intervention will cause undue delay to the proceedings; and (4) whether the denial of the movant’s request will adversely affect their interest.” *Pasternak & Fidis, P.C. v. Wilson*, 2014 WL 4826109, at *6 (D. Md. Sept. 23, 2014) (citing various cases).

A. The Movants Have Distinct Interests That Are Not Adequately Represented by the Existing Parties.

The Debtors and FCR contend the ACC already adequately represents the Movants’ interests. Not so. While the MRHFM Claimants and the ACC both moved to dismiss, for example, the Movants made different arguments in their briefing and at the hearing, filed a separate petition to the Fourth Circuit, and two of the Movants have sought relief from the automatic stay. *See Semian v. Aldrich Pump LLC, et al.*, No. 24-cv-01042 (W.D.N.C. 2024). The Movants’ interests are certainly distinct from those of the FCR, who rather than vigorously opposing the Debtors’ presence in the bankruptcy

system, instead entered into a “Plan Support Agreement” with them. *See* Dkt. 832. The Movants’ participation will ensure a more comprehensive representation of interests in the Estimation Proceedings, and the ACC’s statement in support of the Motion underscores this point.

The person charged with protecting the rights of future plaintiffs seems more interested in protecting the ability of billionaire tortfeasors to cap their liabilities. Once again, the FCR wades in well beyond his assigned role, claiming that dismissing this case “would not reflect the best interests of the class of *current* claimants.” Dkt. 3026, at 3 (emphasis added).

The Movants, real people sick with asbestos-related cancer who know their rights, disagree. Many of the Movants were themselves “future” claimants at the time the FCR agreed to support the Debtors’ facially unconstitutional plan (Dkt. 831) in 2021, and they object to the FCR’s actions—allegedly taken in their “best interests.” The FCR’s opposition to having claimants participate in estimation only demonstrates why their participation is important and required.

B. Limited Participation Will Not Cause Undue Delay or Open Floodgates.

The Debtors and FCR warn that allowing the Movants to participate will be “cumbersome,” “open the floodgates” to thousands of additional claimants, and undermine the goal of concluding the Phase I Trial within a few days. These concerns are overstated and unsubstantiated.

Movants seek only to cross-examine the Debtor's and the FCR's witnesses and to make (brief) arguments before the Court renders its opinion. The estimation discovery process has already spanned several years and consumed millions of dollars in professional fees. Allowing Movants to participate in the depositions and at the hearing prejudices no one. This Court—not the Debtors—retains full authority to manage the scope and duration of any such cross-examination.

The Debtors' floodgates argument is easily dispatched with. The Movants are the only discrete group of claimants—aside from the ACC—who have engaged in significant litigation throughout these cases. It is pure speculation that any other individual claimant or group of claimants will seek similar relief, and the Court's inherent discretion to manage its docket provides ample protection against the Debtors' imagined "flood of 'automatic parties.'" *See* Dkt. 3028.

C. The Movants Will Be Adversely Affected If Their Participation Is Denied.

True, the Movants opposed estimation, and they continue to do so. But the Court has ordered it, and the Movants are entitled to participate. They are creditors with direct economic interests in this case and in estimation. Denying Movants the right to cross-examine expert witnesses whose opinions may form the foundation of the Court's opinion would deprive them of due process.

III. The Motion Is Timely

The Debtors and the FCR claim the Motion is untimely, pointing to the 2021 Estimation Motion and the initial Case Management Order in 2022. This argument conflates two completely different things: full-party intervention from the inception of the Estimation Proceedings, and what amounts to limited participation in the upcoming Phase I and Phase II of estimation. The Movants do not seek to reopen discovery, undo any completed work, or relitigate matters that have already been resolved. They simply seek to participate in proceedings that are still months away. No Party will suffer prejudice from additional cross-examination.

The Debtors' attachment of an email thread between counsel (Dkt. 3028, Ex. 1) only proves the Movants filed their Motion promptly after the Debtors refused to include them in the Estimation Order (Dkt. 3011).

IV. Participation in Other Proceedings, Like Mediation, Should Be Allowed

The Movants requested the ability to participate in "any and all proceedings related to this matter." Apart from the Estimation Proceedings, the Debtors and FCR did not address any other aspect of the Motion, and the Committee supported the Motion in full. As such, the Motion is unopposed as to the Movants' request to participate in mediation and other proceedings. *See* Dkt. 3004.

CONCLUSION

This Motion should have been *unnecessary*, but Trane improperly seeks to bar the Movants from the estimation process. This violates due process, the rules of procedure, and fundamental fairness in this court of equity. The Motion should be granted.

Respectfully submitted, this the 20th day of February, 2026.

WALDREP WALL BABCOCK & BAILEY PLLC

/s/ Thomas W. Waldrep, Jr. _____

Thomas W. Waldrep Jr. (NC Bar No. 11135)
370 Knollwood Street, Suite 600
Winston-Salem, NC 27103
Telephone: (336) 717-1280
Telefax: (336) 722-1993
Email: notice@waldrepwall.com

-and-

THE RUCKDESCHEL LAW FIRM, LLC

/s/ Jonathan Ruckdeschel

Jonathan Ruckdeschel
8357 Main Street
Ellicott City, Maryland 21043
Telephone: (410) 750-7825
Facsimile: (443) 583-0430
Email: ruck@rucklawfirm.com
(Admitted *pro hac vice*)

- and -

MAUNE RAICHLÉ HARTLEY FRENCH & MUDD, LLC

/s/ Clayton L. Thompson

Clayton L. Thompson
John Louis Steffan IV
150 W. 30th Street, Suite 201
New York, NY 10001

Telephone: (800) 358-5922
Email: cthompson@mrhfmlaw.com
(Admitted *pro hac vice*)

*Counsel to Various Claimants Holding Mesothelioma
Claims*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Reply in Support of Motion** was served electronically on those parties receiving notice in this case through the Court's CM/ECF system.

This the 20th day of February, 2026.

WALDREP WALL BABCOCK & BAILEY PLLC

/s/ Thomas W. Waldrep, Jr.

Thomas W. Waldrep Jr. (NC Bar No. 11135)

370 Knollwood Street, Suite 600

Winston-Salem, NC 27103

Telephone: (336) 717-1280

Telefax: (336) 722-1993

Email: notice@waldrepwall.com

Counsel to Various Claimants Holding Mesothelioma Claims