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**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

In re:

HOPEMAN BROTHERS, INC.,  
  
Debtor.

Chapter 11

Case No. 24-32428 (KLP)

**MOTION FOR EXPEDITED HEARING ON THE  
COMMITTEE'S MOTION TO QUASH DEPOSITION NOTICE**

The Official Committee of Unsecured Creditors (“**Committee**”) of Hopeman Brothers, Inc. (“**Debtor**”), by and through its undersigned counsel, hereby moves (by this “**Motion**”) for entry of an order setting an expedited hearing on the Committee’s *Motion to Quash Deposition Notice* (“**Motion to Quash**”)<sup>1</sup> for June 24, 2025 at 1:00 p.m. EDT (“**Hearing**”) and a

<sup>1</sup> The Committee is filing its Motion to Quash concurrently with this Motion.



corresponding deadline of June 24, 2025, at 11:00 a.m. EDT to object or respond to the Motion to Quash. The grounds supporting this Motion are as follows:<sup>2</sup>

1. On Thursday, June 19, 2025, at 6:23 p.m. EDT, Liberty emailed its *Notice of Deposition* (“**Deposition Notice**”) to Committee counsel, calling on the Committee to produce one or more designated representatives under Rule 30(b)(6) for a deposition that Liberty unilaterally set for Friday, June 27, 2025, at 10:00 a.m. EDT. Liberty sent the Deposition Notice without advising the Committee in advance that it would be seeking a Rule 30(b)(6) deposition and without seeking the available dates and times of Committee counsel and any witness for that deposition.

2. The Deposition Notice identifies the following topics that Liberty intends to examine the Committee’s witness on:

All facts and circumstances concerning the Plan, including, but not limited to:

- a. The drafting and negotiation of the Plan;
- b. The assertion that Section 524(g) of the Bankruptcy Code applies under the current circumstances;
- c. The purported assignment of rights set forth in § 8.3(b) of the Plan;
- d. Implementation and governance of the Asbestos Trust;
- e. The creation, membership, and duties of the Asbestos Trust Advisory Committee; and
- f. The anticipated effect(s) of the Plan on Liberty Mutual.

3. Through its Deposition Notice, Liberty seeks to examine a Committee-designated witness on topics that are impermissibly overbroad and vague—e.g., “All facts and circumstances concerning the Plan”—but also would invade the Committee’s privilege and work product protections by delving into such topics as “[t]he drafting and negotiation of the Plan” and the

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<sup>2</sup> Capitalized terms not defined herein have the meanings ascribed to them in the Amended Plan of Hopeman Brothers, Inc. (Docket No. 766) (“**Plan**”).

“assertion that Section 524(g) of the Bankruptcy Code applies under the current circumstances[.]”

As explained more fully in the Motion to Quash, all the topics set forth in the Deposition Notice are improper and inappropriate. Committee counsel, in conjunction with Debtor’s counsel, drafted and negotiated the Plan, so any witness examined by Liberty on the “drafting and negotiation of the Plan” would necessarily be called upon to disclose what Committee counsel told the Committee. In addition, by seeking to examine the Committee on how “Section 524(g) of the Bankruptcy Code applies under the current circumstances,” Liberty is trying to use a Rule 30(b)(6) deposition to obtain Committee counsel’s mental impressions, opinions, legal conclusions, and other work product, in addition to an early legal brief on confirmation. None of this is appropriate. None of this is proper. The Committee should not be forced to shoulder the burden and incur the costs of sitting through a deposition and making repeated objections based on privilege and work product. Rather, this Court should quash the Deposition Notice or grant a protective order forbidding the deposition sought by Liberty.

4. At the Committee’s request, Committee counsel and Liberty’s counsel conducted a telephonic meet-and-confer on Friday, June 20, 2025, in which the Committee raised its concerns about and objections to the deposition sought in the Deposition Notice. Specifically, Committee counsel pointed out that the topics on which Liberty seeks to examine the Committee call for information protected from disclosure by the mediation privilege, the attorney-client privilege, the common interest privilege, and the work product doctrine. Committee counsel also informed Liberty that the Committee intended to seek this Court’s intervention if the parties were unable to resolve the concerns and objections raised by the Committee. Despite the meet-and-confer, the parties were unable to resolve the Committee’s concerns and objections, thus necessitating the Motion to Quash.

5. An expedited hearing on the Committee’s Motion to Quash is necessary because Liberty’s Deposition Notice is calling for the Rule 30(b)(6) deposition of the Committee by this end of this week—i.e., this Friday, June 27, 2025, at 10:00 a.m. EDT. Moreover, Liberty’s Deposition Notice pertains to the proposed confirmation of the Plan, and the hearing on confirmation of the Plan is scheduled for July 1, 2025—i.e., one week from tomorrow. Because Liberty propounded its Deposition Notice on Thursday of last week to set a deposition that is only days away from now, the Committee’s Motion to Quash cannot be noticed, objected to, and heard within the normal time provided in the rules. Because this Court has already set a hearing for tomorrow, June 24, at which all the relevant parties, including Liberty, are expected to attend,<sup>3</sup> no prejudice will result if this Court adds the Committee’s Motion to Quash to its June 24th hearing agenda. Accordingly, the Court should grant the Motion.

6. Notice of this Motion will be given in accordance with Local Rule 1075-1 and the procedures set forth in Article II of the “Procedures for Complex Cases in the Eastern District of Virginia.” The Committee submits that no other or further notice need be given.

7. For the reasons explained above, this Court should grant the Motion and set an expedited hearing on the Committee’s Motion to Quash for June 24, 2025, at 1:00 p.m. EDT, in conjunction with the other matters in this case to be heard then.

*[Signature of counsel appears on following page]*

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<sup>3</sup> On June 17, 2024, the Chubb insurers filed their Motion to Adjourn the Plan Confirmation Hearing (Docket No. 882) (“**Motion to Adjourn**”), to which Liberty filed a joinder (Docket No. 897). The Motion to Adjourn is scheduled to be heard on June 24, 2025, at 1:00 p.m. EDT.

Respectfully submitted,

**CAPLIN & DRYSDALE, CHARTERED**

/s/ Jeffrey A. Liesemer

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Dated: June 23, 2025

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*Special Insurance Counsel for the Official  
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**LOCAL RULE 9013(N) CERTIFICATION**

In accordance with Bankruptcy Local Rule 9013-1(N), I certify that the Committee:

1. has carefully examined this matter and concluded that there is a true need for an emergency hearing;
2. has not created the emergency through the lack of diligence; and
3. has made a bona fide effort to resolve the matter without a hearing.

/s/ Jeffrey A. Liesemer  
Jeffrey A. Liesemer

**Exhibit A**

**Proposed Order**

**CAPLIN & DRYSDALE, CHARTERED**

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**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

In re:

HOPEMAN BROTHERS, INC.,

Debtor.

Chapter 11

Case No. 24-32428 (KLP)

**ORDER SETTING EXPEDITED HEARING ON COMMITTEE'S MOTION TO QUASH**

Before the Court is the *Motion for Expedited Hearing on the Committee's Motion to Quash Deposition Notice* (“**Motion**”), in which the Official Committee of Unsecured Creditors (“**Committee**”) requests that the Court grant an expedited hearing on the Committee's *Motion to Quash Deposition Notice* (“**Motion to Quash**”). The Court having jurisdiction to consider the Motion and the relief requested therein in accordance with 28 U.S.C. § 1334 and the Standing Order of Reference from the United States District Court for the Eastern District of Virginia, dated August 15, 1984; and the Court having found that this is a core proceeding in accordance with 28



U.S.C. § 157(b)(2) and that the Court may enter a final order consistent with Article III of the United States Constitution; and the Court having found that venue of this proceeding and the Motion in this district is proper in accordance with 28 U.S.C. §§ 1408 and 1409; and it appearing that proper and adequate notice of the Motion has been given and that no other or further notice is necessary; and upon the record herein; and after due deliberation thereon; and the Court having determined that there is good and sufficient cause for the relief granted in this Order,

**IT IS HEREBY ORDERED THAT:**

1. The Motion is **GRANTED**.
2. A hearing on the Motion to Quash is set for **June 24, 2025, at 1:00 p.m. EDT**.
3. The deadline by which parties must file responses or objections to the Motion to Quash shall be **June 24, 2025, at 11:00 a.m. EDT**.
4. Notwithstanding any Bankruptcy Rule or Local Bankruptcy Rule that might otherwise delay the effectiveness of this Order, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.
5. The requirement under Local Rule 9013-1(F) to file a memorandum of law in connection with the Motion, to the extent applicable, is hereby waived.
6. The Committee is authorized to take all actions necessary to implement the relief granted in this Order.

7. This Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Dated: \_\_\_\_\_, 2025  
Richmond, Virginia

\_\_\_\_\_  
HONORABLE KEITH L. PHILLIPS  
UNITED STATES BANKRUPTCY JUDGE

Entered on Docket: \_\_\_\_\_

WE ASK FOR THIS:

**CAPLIN & DRYSDALE, CHARTERED**

/s/ Jeffrey A. Liesemer

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**CERTIFICATION OF ENDORSEMENT  
UNDER LOCAL BANKRUPTCY RULE 9022-1(C)**

I hereby certify that the foregoing proposed order has been endorsed by or served upon all necessary parties.

/s/ Jeffrey A. Liesemer