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

In re:

HOPEMAN BROTHERS, INC.,

Debtor.

:
: **Chapter 11**
:
: **Case No. 24-32428 (KLP)**
:
:
:
:

**ORDER GRANTING DEBTOR'S MOTION TO QUASH THIRD-PARTY
SUBPOENA DUCES TECUM SERVED ON SPECIAL CLAIMS SERVICES, INC.**

This matter coming before the Court upon the *Debtor's Motion to Quash Third-Party Subpoena Duces Tecum Served on Special Claims Services, Inc.* (the "Motion")¹ of the above-captioned debtor and debtor-in-possession (the "Debtor") for entry of an order, pursuant to Rules 2004, 7026, and 9016 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") and Rules 26 and 45 of the Federal Rules of Civil Procedure (the "Civil Rules"), (i) quashing the subpoena served by the Chubb Insurers, attached hereto as Exhibit 1 (the "Subpoena"), commanding SCS to produce documents by May 16, 2025, or (ii), in the alternative, for entry of a protective order forbidding the discovery sought in the Subpoena; the Court finds that: (a) it has

¹ Capitalized terms used herein but not otherwise defined shall have the meaning ascribed to them in the Motion.



jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; (b) this is a core proceeding pursuant to 28 U.S.C. § 157(b); (c) venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; (d) proper and adequate notice of the Motion has been given and no other or further notice is necessary; (e) the Court having conducted a hearing on the Motion on June 18, 2025 (the “Hearing”); (f) approving of the Motion is appropriate for the reasons set forth by the Court on the record at the Hearing; and (g) upon the record herein, and after due deliberation thereon, good and sufficient cause exists for the granting of the relief as set forth herein. Therefore,

IT IS HEREBY ORDERED THAT:

1. The Motion is **GRANTED** as set forth herein.
2. The Subpoena is **QUASHED**.
3. The relief granted herein is without prejudice to the Chubb Insurers’ rights to seek further discovery of the information sought in the Subpoena if the proposed *Amended Plan of Reorganization of Hopeman Brothers, Inc. Under Chapter 11 of the Bankruptcy Code* [Docket No. 766] (as it may be amended, modified, or supplemented, the “Plan”) is confirmed.
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(G) to file a memorandum of law in connection with the Motion is hereby waived to the extent applicable.
6. This Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Dated: Jun 30 2025
Richmond, Virginia

/s/ Keith L Phillips
UNITED STATES BANKRUPTCY JUDGE

Entered On Docket: June 30, 2025

WE ASK FOR THIS:

/s/ Henry P. (Toby) Long, III
Tyler P. Brown (VSB No. 28072)
Henry P. (Toby) Long, III (VSB No. 75134)
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- and -

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Counsel for the Debtor and Debtor in Possession

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

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

/s/ Henry P. (Toby) Long, III
Henry P. (Toby) Long, III

Exhibit 1

Subpoena

UNITED STATES BANKRUPTCY COURT

Eastern

District of

Virginia

In re HOPEMAN BROTHERS, INC.,

Debtor

(Complete if issued in an adversary proceeding)

Case No. 24-32428(KLP)

Chapter 11

Plaintiff

v.

Adv. Proc. No. _____

Defendant

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A BANKRUPTCY CASE (OR ADVERSARY PROCEEDING)

To: Special Claims Services, Inc. c/o Ralph J. Palmisano, Esq., Hobson Rasnick Fox & Kolligian, LLC

(Name of person to whom the subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Exhibit A

PLACE Weston Hurd LLP, 101 East Town Street, Suite 500,
Columbus, OH 43215

DATE AND TIME

May 16, 2025

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

PLACE

DATE AND TIME

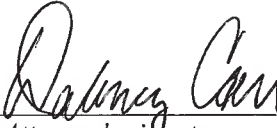
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 4/29/2025

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk


Attorney's signature

The name, address, email address, and telephone number of the attorney representing (name of party) Century Indemnity Company and Westchester Fire Insurance Company, who issues or requests this subpoena, are:

Dabney J. Carr | Troutman Pepper Locke LLP | 1001 Haxall Point, 15th Floor, Richmond, VA 23219 | dabney.carr@troutman.com |
(804) 697-1200

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

PROOF OF SERVICE**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: Special Claims Services, Inc., c/o
on *(date)* 04/30/2025 Ralph J. Palmisano, Esq., Hobson Rasnick Fox
& Kolligian, LLC.

☒ I served the subpoena by delivering a copy to the named person as follows: Served Attorney Daylon Statler

_____ on *(date)* 04/30/2025 ; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true and correct.

Date: 04/30/2025



Server's signature

Shelly A. Gabor, Process Server

Printed name and title

P.O. Box 93822, Cleveland, Ohio 44101

Server's address

Additional information concerning attempted service, etc.:

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)
(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EXHIBIT A

DEFINITIONS

As used herein, the following terms have the meanings set forth below.

A. “Asbestos-Containing Products” means materials containing asbestos in any form (including mined asbestos, crude asbestos, processed asbestos, and asbestos compounds).

B. “Communications” refers to any transmittal of information, whether internal or external to You, and encompasses every medium of transmittal, including all inquiries, discussions, conversations, negotiations, agreements, understandings, meetings, telephone conversations, letters, notes, telegrams, correspondence, memoranda, emails, facsimile transmissions, or other form of verbal, written, mechanical, or electronic disclosure, in Your actual or constructive control or custody, or in the control or custody of any of Your current or former affiliates, representatives, advisors, or agents.

C. “Concerning” means constituting, reflecting, representing, regarding, supporting, contradicting, referring to, relevant to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating, recording, summarizing, digesting, referencing, commenting, describing, evidencing, reporting, listing, analyzing, studying, or otherwise discussing or mentioning in any way, in whole or in part.

D. “Databases” refers to collections of data in whatever form arranged for ease and speed of retrieval through the use of computerized or mechanical means.

E. “Document” or “Documents” means all written, printed, typed, recorded, photographed, computerized, and/or electronically transmitted or graphic matter of every type and description, however and by whomever prepared, produced, reproduced, disseminated or made, in any form, including, but not limited to, Communications, books, papers, letters, correspondence, electronic mail, memoranda, reports, diaries, records, minutes, notes, schedules, accounts,

contracts, agreements, invoices, progress reports, calendars, drafts, drawings, microfilm, abstracts, summaries, messages, statements, affidavits, instructions, bulletins, circulars, pamphlets, slides, photographs, charts, graphs, computer data compilations, statistics, writings, and magnetic, photographic, electronic, and/or sound recordings.

F. “Hopeman” and “Debtor” refer to Hopeman Brothers, Inc., the debtor in this matter, and any current or former parent, subsidiary, division, affiliate, or predecessor thereof (including, but not limited to, Wayne), as well as any current and former officers, directors, employees, agents, attorneys, accountants, and representatives of same.

G. “Persons” refers to all individuals and entities of every description, including, but not limited to, natural persons, corporations, limited liability companies, partnerships, associations, other companies, non-profit organizations, governmental agencies, and estates.

H. “Underlying Claim(s)” refers to all past and pending demands, complaints or assertions, whether oral or written, formal or informal, by any Person upon or against Hopeman for actual or potential monetary payment or the actual or potential undertaking or cessation of action related to actual or alleged bodily injury or property damage arising and/or allegedly arising from exposure to asbestos or other toxic substances.

I. “Wayne” means Wayne Manufacturing Corporation, the former subsidiary of the Debtor, and its parents, affiliates, divisions, subsidiaries, regional offices, predecessors, predecessors-in-interest, successors, assignees, employees, officers, directors, representatives, agents, servants, employees, contract personnel, consultants, salespersons, sales representatives, attorneys, members, experts, brokers, accountants, insurance agents, and attorneys.

J. “You” and “Your” refer to Special Claims Services, Inc. and its parents, affiliates, divisions, subsidiaries, regional offices, predecessors, predecessors-in-interest, successors,

assignees, employees, officers, directors, representatives, agents, servants, employees, contract personnel, consultants, salespersons, sales representatives, attorneys, members, experts, brokers, accountants, insurance agents, and attorneys.

INSTRUCTIONS

A. You are to furnish all Documents that are available to You as of the date of provision of same, including any Documents obtained by or in the possession of Your attorneys, representatives, or agents, and not merely the Documents within Your own knowledge or possession.

B. “And”, “or”, “any”, and “all” shall be construed conjunctively or disjunctively as necessary to make these requests inclusive rather than exclusive, and are not to be interpreted to exclude any information otherwise within the scope of any request.

C. If You withhold any Document because of a claim of privilege or protection, You shall identify, on a log, each Document or each group or category of Documents by Bates-number; the type of Document(s); the date or range of dates of such Documents; each Document’s subject matter; the nature of the information withheld or redacted; the author(s) and any recipient(s) of the Document; and the precise privilege or protection claimed with sufficient specificity to permit a full determination of whether the claim of privilege or immunity is valid.

D. Any request phrased in the singular shall also be read as though phrased in the plural and vice versa, to make the requests inclusive rather than exclusive.

E. Any request phrased in the present tense shall also be read as though phrased in the past tense and vice versa, to make the request inclusive rather than exclusive.

DOCUMENT REQUESTS

1. All Documents Concerning any and all Underlying Claims, including claim files, litigation files (including discovery), medical files, requests for settlement authority, analyses, evaluations, opinion letters, e-mails, reports, settlement agreements, and releases.

2. All Databases Concerning any and all Underlying Claims, in a searchable electronic format, together with any list of fields available in the Databases, and any data dictionary explaining the meaning of each field or code, how it was coded, and how the information in the Databases was obtained.

3. For each Underlying Claim, Documents sufficient to show demographic information of the claimants, including the identity of Asbestos-Containing Products giving rise to exposure, the nature of the exposure, duration of exposure to Asbestos-Containing Products, including years of exposure (if any), gender, age at first exposure, approximate date of first exposure, approximate date of last exposure, plaintiff's counsel, jurisdiction, date of complaint filing, complaint case number, claim status (e.g., settled, resulted in verdict, pending, dismissed, etc.), if resolved, settlement/verdict amount including dollars paid by Debtor, Wayne, their affiliates, and/or other codefendants, whether the claimant is deceased, and if so, date of death, age at date of claim, occupation(s) during period of exposure if relevant, state(s) of residence during period of exposure, place of injury, and nature of injury (e.g., medical diagnosis) allegedly arising from exposure, including information Concerning the first manifestation of the disease or diseases including date of diagnosis, and exposure history to Asbestos-Containing Products.

4. Documents sufficient to show the top twenty (20) places, locations, shipyards, or sites where the Debtor, Wayne, or their affiliates manufactured, sold, processed, installed, distributed, modified, repaired, or marketed Asbestos-Containing Products, including sales

records, invoices, sales statistics, customer lists, product catalogues, and product description sheets.

Notice Recipients

District/Off: 0422-3

User: ElizabethDouglass

Date Created: 6/30/2025

Case: 24-32428-KLP

Form ID: pdford9

Total: 1

Recipients of Notice of Electronic Filing:

aty Henry Pollard Long, III hlong@huntonAK.com

TOTAL: 1