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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)

**MOTION OF LIBERTY MUTUAL INSURANCE COMPANY
FOR ENTRY OF AN ORDER AUTHORIZING LIBERTY
TO FILE ITS OBJECTION TO THE PLAN
AND CERTAIN EXHIBITS THERETO UNDER SEAL**

Liberty Mutual Insurance Company (“Liberty”), hereby files this motion (the “Motion”), pursuant to sections 105(a) and 107(b)(1) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 9018 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and the *Confidentiality Agreement and Protective Order* [Docket No. 206] (the “Liberty Mutual Protective Order”), for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”): (i) authorizing Liberty to file the *Objection of Liberty Mutual Insurance Company to the Amended Plan of Reorganization of Hopeman Brothers, Inc. Under Chapter 11 of the Bankruptcy Code* (the “Objection”), along with Exhibits A, N, and O, under seal and to file



redacted versions publicly; (ii) directing that the unredacted and unsealed Objection and Exhibits A, N, and O remain under seal and confidential, and not be made available to any entity other than: (a) the Court; (b) counsel to the Debtor; and (c) any other party to the Liberty Mutual Protective Order who so requests; and (iii) providing that, to the extent a hearing is held related to the Objection that requires the disclosure of Liberty Mutual Protected Material, that the Court may determine at that time whether any portion of the hearing pertaining to such information be conducted *in camera*.

BASIS FOR RELIEF REQUESTED

1. On September 13, 2024, the Court entered the Liberty Mutual Protective Order, which expressly governs the production, review, disclosure, and handling of three agreements executed between Liberty, the Debtor, and related entities: (i) the *Agreement for Defense and Indemnity Between Liberty Mutual Insurance Company and The Hopeman Brothers Company*, dated March 22, 1990; (ii) the *Settlement Agreement and Release Between Hopeman Brothers, Inc. and Liberty Mutual Insurance Company*, dated March 21, 2023; and (iii) the *Indemnification and Hold Harmless Agreement Between Hopeman Brothers, Inc. and Liberty Mutual Insurance Company*, dated March 21, 2003 (collectively, the “Liberty Mutual Confidential Agreements”), along with any documents and/or correspondence related directly to the Liberty Mutual Confidential Agreements and designated as “Confidential”. *See* ECF No. 206.

2. The Liberty Mutual Protective Order requires that any Liberty Mutual Protected Material be filed under seal. *Id.* at § 4.3 (“A Party may not file in the public record any Liberty Mutual Protected Material unless such material is filed under seal in accordance with this paragraph. A Party that seeks to file any Liberty Mutual Protected Material with the Bankruptcy Court must file such Liberty Mutual Protected Material under seal in accordance with the Federal

Rules, the Bankruptcy Rules, the Local Rules, and the individual practice rules of the Bankruptcy Court”).

3. The Objection quotes relevant provisions from the Liberty Mutual Confidential Agreements that are considered Liberty Mutual Protected Material and discusses other information related to the Liberty Mutual Confidential Agreements that are considered Liberty Mutual Protected Material. Exhibits A, N, and O also discuss or relate to Liberty Mutual Protected Material. Therefore, sufficient cause exists for this Court to grant the relief requested in this Motion, and the Objection as well as Exhibits A, N, and O should be filed under seal.

WHEREFORE, Liberty respectfully requests that the Court enter the Proposed Order granting the relief requested herein.

Date: July 7, 2025

Respectfully submitted,

/s/ Douglas M. Foley

Douglas M. Foley (Bar No. 34364)

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CERTIFICATE OF SERVICE

I hereby certify that on July 7, 2025, a true copy of the foregoing was filed with the Clerk of the Court using the CM/ECF system, which will send a notification of electronic filing (NEF) to all creditors and parties in interest.

/s/ Douglas M. Foley

EXHIBIT A

Proposed Order

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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
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In re:

HOPEMAN BROTHERS, INC.,

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Chapter 11

Case No. 24-32428 (KLP)

**ORDER GRANTING MOTION OF LIBERTY MUTUAL INSURANCE COMPANY
FOR ENTRY OF AN ORDER AUTHORIZING LIBERTY
TO FILE ITS OBJECTION TO THE PLAN
AND CERTAIN EXHIBITS THERETO UNDER SEAL**

Upon the motion (the “Motion”)¹ of Liberty Mutual Insurance Company (“Liberty”) for entry of an order, pursuant to section 107(b) of the Bankruptcy Code, Bankruptcy Rule 9018, and the Liberty Mutual Protective Order, for entry of an order: (i) authorizing Liberty to file the Objection, along with Exhibits A, N, and O, under seal and to file redacted versions publicly; (ii) directing that the unredacted and unsealed Objection and Exhibits A, N, and O remain under seal and confidential, and not be made available to any entity other than: (a) the Court; (b) counsel to

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

the Debtor; and (c) any other party to the Liberty Mutual Protective Order who so requests; and (iii) providing that, to the extent a hearing is held related to the Objection that requires the disclosure of Liberty Mutual Protected Material, that the Court may determine at that time whether any portion of the hearing pertaining to such information be conducted *in camera*; and the Court having found that this is a core proceeding pursuant to 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 the venue of this proceeding and the Motion is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Motion is in the best interests of the parties in interest; and the Court having found that Liberty's notice of the Motion was appropriate under the circumstances, and no other notice need be provided; and the Court having reviewed and considered the Motion; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor;

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED, as set forth in this Order.
2. Liberty is authorized to file the unredacted Objection and Exhibits A, N, and O under seal, which seal shall be maintained pursuant to section 107(c) of the Bankruptcy Code.
3. Liberty is authorized to publicly file the Objection and Exhibits A, N, and O with Liberty Mutual Protected Material redacted.
4. The unredacted and unsealed Objection and Exhibits A, N, and O shall not be disseminated to anyone other than: (a) the Court; (b) counsel to the Debtors; and (c) any other party to the Liberty Mutual Protective Order who so requests.

5. Any party receiving an unredacted copy of the Objection and/or Exhibits A, N, and O shall, at all times, keep the information contained therein strictly confidential and shall not disclose such information to any party whatsoever.

6. The terms and conditions of this Order shall be effective immediately and enforceable upon its entry.

7. 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.

8. This Court shall retain jurisdiction with respect to all matters arising out of or related to the interpretation or enforcement of this Order.

Dated: _____, 2025
Richmond, Virginia

Bankruptcy Judge Keith L. Phillips

WE ASK FOR THIS:

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Counsel to Liberty Mutual Insurance Company

**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/ Douglas M. Foley