Docket #0443 Date Filed: 12/20/2024

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

In re: HOPEMAN BROTHERS, INC., Debtor.	Case No. 24-32428-KLP Chapter 11

ORDER AUTHORIZING MEDIATION OF
CHUBB INSURERS SETTLEMENT MOTION

On December 16, 2024, the Court conducted a hearing on the *Joint Motion of the Debtor and Committee for Entry of an Order Authorizing Mediation of the Chubb Insurers Settlement Motion* [ECF No. 419] (the "Motion"), whereby Hopeman Brothers, Inc. (the "Debtor") and the Official Committee of Unsecured Creditors (the "Committee") requested judicial mediation of the relief sought in the *Motion of the Debtor for Entry of an Order (I) Approving the Settlement Agreement and Release Between the Debtor and the Chubb Insurers; (II) Approving the Assumption of the Settlement Agreement and Release Between the Debtor and the Chubb Insurers; (III) Approving the Sale of Certain Insurance Policies; (IV) Issuing an Injunction Pursuant to the Sale of Certain Insurance Policies; and (V) Granting Related Relief* [ECF No. 9] (the "Chubb Insurers Settlement Motion"). In consideration whereof it is **ORDERED, ADJUDGED AND DECREED THAT**:

1. The Motion is **GRANTED**.

2. The Honorable Kevin R. Huennekens is appointed as a judicial mediator (the "Mediator") to conduct a mediation (the "Mediation") concerning the Chubbs Insurers Settlement Motion. The Mediator shall have full authority to settle matters and to enter any orders necessary in furtherance of his settlement efforts.

3. The Debtor, the Committee, Century Indemnity Company and Westchester Fire Insurance Company (each, a "Party" and collectively, the "Parties") shall participate in the

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Mediation. Any other entity wishing to participate in the Mediation may participate provided that both the Debtor and the Committee consent in writing to their participation or, if the Debtor and Committee cannot agree, the Mediator may authorize such participation.

4. Unless otherwise ordered by the Mediator in the Mediator's sole discretion, an individual with final authority to settle the matter and to bind the Party shall attend the Mediation on behalf of each Party.

5. The mediation processes and procedures and the duties of the Parties shall be determined by the Mediator.

6. The Parties shall comply with the Mediator's directions regarding the exchange of information and/or submission of memoranda or mediation statements should the Mediator so require.

7. In his role as Mediator, the Mediator shall retain the same immunity as he has a judge under Federal law and the common law from liability for any act or omission in connection with the Mediation, and from compulsory process to testify or produce documents in connection with the Mediation.

8. A communication of any type, whether oral or written, made or provided in connection with the Mediation, including, without limitation, statements, reports, admissions, or proposals given by the Mediator or any Party (the "Mediation Communications"), may not be used by any Party for any purpose, including impeachment, in any arbitral, judicial or other proceeding, including this chapter 11 case (each, a "Proceeding") and may not be disclosed to any non-Party to the Mediation, including this Court. The Mediation Communications shall be confidential, shall not be subject to discovery, shall be inadmissible in any Proceeding, and also shall be subject to

protection under Rule 408 of the Federal Rules of Evidence, Local Bankruptcy Rule 9019-1(J), and any equivalent or comparable state law.

9. The Parties are directed to confer with the Mediator, via his chambers, as promptly as possible.

10. The Court will retain jurisdiction over any matters related to or arising from the mediation.

Dated: 12/20/24

/s/ Keith L. Phillips
UNITED STATES BANKRUPTCY JUDGE

Entered on Docket: December 20, 2024