Docket #1515 Date Filed: 06/29/2026

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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

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

DECLARATION OF DOUGLAS R. GOODING IN SUPPORT OF MOTION FOR LIMITED MODIFICATION OF MEDIATION ORDER

I, Douglas R. Gooding, pursuant to 28 U.S.C. § 1746, declare:

1. I am a partner at Choate, Hall & Stewart LLP. I am one of the attorneys for Liberty Mutual Insurance Company ("Liberty Mutual"). I submit this Declaration in support of *Liberty Mutual Insurance Company's Motion for Limited Modification of Mediation Order* (the "Motion"), filed contemporaneously herewith.
2. On February 24, 2025, I sent an email to counsel to the Debtor and counsel to the Official Committee of Unsecured Creditors (the "Committee"). My email attached a letter requesting to participate, on behalf of Liberty Mutual, in the ongoing mediation process authorized by the *Order Authorizing Mediation of the Chubb Insurers Settlement Motion* [ECF No. 443] (the "Mediation Order"). A true and correct copy of my email, and the attachment thereto, is attached hereto as **Exhibit 1**.
3. On February 26, 2025, I received a response to my email from Tyler Brown, counsel to the Debtor. The email stated that the debtor was "considering its response and plans to get back to you this week". A true and correct copy of this email is attached hereto as **Exhibit 2**.

2432428260629000000000003

4. I did not receive a response from counsel to the Committee.

5. On March 7, 2025, I was copied on an email sent by Jonathan D. Marshall (another attorney for Liberty Mutual) to Debtor's counsel. Mr. Marshall's email followed up with the Debtor's counsel regarding, *inter alia*, my letter to the Debtor and the Committee. A true and correct copy of Mr. Marshall's email is attached hereto as **Exhibit 3**.

6. On March 8, 2025, Tyler Brown sent me and Mr. Marshall another email stating, "I ran your request by the mediator and the committee last week. They both advised they thought it was too late in this round of mediation. The mediator indicated he was more than happy to serve again if there was a need to mediate later in the case. My view is that the committee should want to talk with you, and I encouraged it. Let's talk about this next week." A true and correct copy of Mr. Brown's email is attached hereto as **Exhibit 4**.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 29, 2026

By: /s/ Douglas R. Gooding
Douglas R. Gooding (admitted *pro hac vice*)

Counsel to Liberty Mutual Insurance Company

Exhibit 1

Thomas, Alexandra

From: Gooding, Doug
Sent: Monday, February 24, 2025 2:26 PM
To: tpbrown@HuntonAK.com; hlong@HuntonAK.com; josephrovira@HuntonAK.com; crankin@HuntonAK.com; brady.edwards@morganlewis.com; brad.nes@morganlewis.com; jeffrey.raskin@morganlewis.com; kmaclay@capdale.com; tphillips@capdale.com; jliesemer@capdale.com; nmiller@capdale.com
Cc: Marshall, Jonathan D.; Thomas, Alexandra
Subject: Hopeman
Attachments: Hopeman - Letter re Mediation.pdf

All-
Please see attached. Please let us know if you have questions. We look forward to your response.
Thanks,
Doug

Douglas R. Gooding, P.C.

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February 24, 2025

VIA EMAIL AND CERTIFIED MAIL

Tyler P. Brown
Henry P. (Toby) Long, III
HUNTON ANDREWS KURTH LLP
Riverfront Plaza, East Tower
951 East Byrd Street
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Telephone: (804) 788-8200
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tphillips@capdale.com
jliesemer@capdale.com
nmiller@capdale.com

RE: Request to Participate in Mediation

Ladies and Gentlemen:

We are counsel for Liberty Mutual Insurance Company ("Liberty Mutual"). As you know, Liberty Mutual is a creditor of Hopeman Brothers, Inc. ("Hopeman" or the "Debtor"), having asserted an unsecured claim (the "Claim") of at least $317,254.89 against the Debtor (with rights reserved to amend the claim to assert any and all further amounts owed to Liberty Mutual by Hopeman).

As set forth in the addendum to the Claim (the "Addendum"), the Claim is based upon Hopeman's obligation, documented in the Confidential Agreements (as defined in the Addendum), to indemnify Liberty Mutual for past and future costs incurred by Liberty Mutual in connection with the insurance policies issued by Liberty Mutual to Hopeman and/or related claims asserted by direct action claimants (the "Indemnity Obligation"). Certain individuals have asserted, and continue to assert, the right to pursue direct action claims (and other similar claims, such as contribution claims premised on virile share liability) against Liberty Mutual.[1] These alleged claims against Liberty Mutual are currently stayed by order of the U.S. Bankruptcy Court for the Eastern District of Virginia (the "Bankruptcy Court").[2]

The Debtor has represented to the Bankruptcy Court that it is engaged in ongoing mediation with, among other parties, the Official Committee of Unsecured Creditors (the "Committee"). Such mediation efforts have included "the formation of a revised Plan."[3] The Bankruptcy Court has ordered that "[a]ny 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]

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1 *See, e.g.*, *Opposition and Objection to Motion of the Debtor for Entry of Interim and Final Orders Extending the Automatic Stay to Stay Asbestos-Related Actions Against Non-Debtor Defendants* [D.I. 86] at 6; *Huntington Ingalls Industries, Inc.'s Preliminary Objection and Reservation of Rights Regarding Motion of Debtor for Entry of Interim and Final Orders Extending Automatic Stay to Stay Asbestos-Related Actions Against Non-Debtor Defendants* [D.I. 135] at ¶ 5; *Limited Objection of the Official Committee of Unsecured Creditors to the Debtor's Motion for Extension of the Automatic Stay to Enjoin Asbestos-Related Actions Against Non-Debtor Defendants* [D.I. 141] at ¶¶ 2, 7–8.

2 *See Interim Order Extending the Automatic Stay to Asbestos-Related Actions Against Non-Debtor Defendants* [D.I. 35]; *Second Interim Order Extending the Automatic Stay to Asbestos-Related Actions Against Non-Debtor Defendants* [D.I. 245]. Although the extension of the automatic stay is currently set to expire on February 25, 2025, the Debtor has filed the *Motion Of The Debtor For Entry Of A Third Interim Order Extending The Automatic Stay To Stay Asbestos-Related Actions Against Non-Debtor Defendants* [D.I. 579] (the "Third Exclusivity Motion"), seeking to extend the automatic stay to third parties by approximately four months until June 30, 2025.

3 *Second Motion of The Debtor for Entry of an Order (I) Extending the Exclusivity Periods to File and Solicit a Plan and (II) Granting Related Relief* [D.I. 577] at ¶ 15.

4 *Order Authorizing Mediation of Chubb Insurers Settlement Motion* [D.I. 443] (the "Mediation Order") at ¶ 3.

Liberty Mutual is a material party in this chapter 11 case, as evidenced by, *inter alia*, the Claim and the Debtor's acknowledgement of the indemnification right that Liberty Mutual has asserted against the Debtor.[5] Therefore, Liberty Mutual requests to be included in ongoing mediation efforts, including but not limited to the negotiation and formulation of a revised plan of liquidation of the Debtor.

To that end, and in compliance with the Mediation Order, Liberty Mutual requests that counsel for each of the Debtor and the Committee respond in writing to this letter as soon as possible stating whether the Debtor or Committee, as applicable, will consent to Liberty Mutual's participation in the mediation process.

Very truly yours,



Douglas R. Gooding, Esq.

cc: Jonathan D. Marshall, Esq.
Alexandra M. Thomas, Esq.

[5] Third Exclusivity Motion [D.I. 579] at ¶ 29.

Exhibit 2

Thomas, Alexandra

From: Brown, Tyler <tpbrown@hunton.com>
Sent: Wednesday, February 26, 2025 11:18 AM
To: Gooding, Doug; Long, Toby; Rovira, Joseph; Rankin, Catherine; brady.edwards@morganlewis.com; brad.nes@morganlewis.com; jeffrey.raskin@morganlewis.com; kmaclay@capdale.com; tphillips@capdale.com; jliesemer@capdale.com; nmiller@capdale.com
Cc: Marshall, Jonathan D.; Thomas, Alexandra
Subject: RE: Hopeman

Doug:

On behalf of the debtor, I acknowledge receipt of your letter. The debtor is considering its response and plans to get back to you this week on its position. Thanks.

-Tyler

From: Gooding, Doug
Sent: Monday, February 24, 2025 2:26 PM
To: Brown, Tyler ; Long, Toby ; Rovira, Joseph ; Rankin, Catherine ; brady.edwards@morganlewis.com; brad.nes@morganlewis.com; jeffrey.raskin@morganlewis.com; kmaclay@capdale.com; tphillips@capdale.com; jliesemer@capdale.com; nmiller@capdale.com
Cc: Marshall, Jonathan D. ; Thomas, Alexandra
Subject: Hopeman

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All-
Please see attached. Please let us know if you have questions. We look forward to your response.
Thanks,
Doug

Douglas R. Gooding, P.C.

CHOATE

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Exhibit 3

Thomas, Alexandra

From: Marshall, Jonathan D.
Sent: Friday, March 7, 2025 12:17 PM
To: Long, Toby; Brown, Tyler
Cc: Gooding, Doug
Subject: RE: Hopeman

Follow Up Flag: Follow up
Flag Status: Completed

Toby and Tyler,

Happy Friday. Doug and I were hoping that you may have a few minutes to re-connect on the below, as well as the letter that Doug sent early last week. We appreciate you likely are focused on getting to the other side of Monday's hearing. If you could let us know some days/times that might work for you next week, we can coordinate on our end and send a meeting planner.

Thanks, and have a great weekend.

Jonathan

Jonathan D. Marshall
Choate, Hall & Stewart LLP
Two International Place
Boston, MA 02110
t 617-248-4799
f 617-502-4799

From: Marshall, Jonathan D.
Sent: Tuesday, January 21, 2025 6:05 PM
To: Long, Toby ; Brown, Tyler
Cc: Gooding, Doug
Subject: RE: Hopeman

Thanks, Toby. How's 2 pm ET on Friday? If that works, I'll have my assistant send around a Zoom invite in the morning.

Jonathan

Jonathan D. Marshall
Choate, Hall & Stewart LLP
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Boston, MA 02110
t 617-248-4799
f 617-502-4799

From: Long, Toby <hlong@hunton.com>
Sent: Tuesday, January 21, 2025 5:18 PM
To: Marshall, Jonathan D. <jmarshall@choate.com>; Brown, Tyler <tpbrown@hunton.com>

Cc: Gooding, Doug <dgooding@choate.com>
Subject: RE: Hopeman

Good afternoon, Jonathan. The mediation regarding the Chubb insurers' settlement motion is scheduled for tomorrow, so think it makes sense to wait until Friday for this call. We generally can be available Friday from 10am – 3pm (EST). Let us know if something in that window works for you.

Thanks,

Toby

HUNTON ANDREWS KURTH

Henry P. (Toby) Long, III
hlong@HuntonAK.com
p804.787.8036
bio | vCard

Hunton Andrews Kurth LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219

HuntonAK.com

From: Marshall, Jonathan D. <jmarshall@choate.com>
Sent: Tuesday, January 21, 2025 2:50 PM
To: Long, Toby <hlong@hunton.com>; Brown, Tyler <tpbrown@hunton.com>
Cc: Gooding, Doug <dgooding@choate.com>
Subject: Hopeman

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Toby and Tyler,

Good afternoon. We are hoping that you may have some time this week to connect on the status of the Hopeman bankruptcy case. Can you please let us know some times that may work for your schedule? If you can offer up a few windows, Doug and I will coordinate on our end.

Thank you,

Jonathan

Jonathan D. Marshall

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---

Exhibit 4

Thomas, Alexandra

From: Long, Toby <hlong@hunton.com>
Sent: Friday, March 7, 2025 8:56 PM
To: Brown, Tyler
Cc: Marshall, Jonathan D.; Gooding, Doug
Subject: Re: Hopeman

Thanks, Tyler. I also can be available Tuesday or Wednesday afternoon.

On Mar 7, 2025, at 8:25 PM, Brown, Tyler wrote:

Apologies for the delayed response to your email today and on the mediation letter. It was a tough day today.
As for mediation, I ran your request by the mediator and the committee last week. They both advised they thought it was too late in this round of mediation. The mediator indicated he was more than happy to serve again if there was a need to mediate later in the case. My view is that the committee should want to talk with you, and I encouraged it. Let's talk about this next week.
I appreciate the offer to talk after Monday. Tuesday or Wednesday afternoon are both open for me at present. How about you Toby?
Have a great weekend.
-Tyler

From: Marshall, Jonathan D.
Sent: Friday, March 7, 2025 12:17 PM
To: Long, Toby ; Brown, Tyler
Cc: Gooding, Doug
Subject: RE: Hopeman

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Toby

HUNTON ANDREWS KURTH

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Richmond, VA 23219

HuntonAK.com

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Cc: Gooding, Doug <dgooding@choate.com>
Subject: Hopeman

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Thank you,
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