

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
SHELBY DIVISION**

**Charles R. Jonas Federal Courthouse  
401 W. Trade Street  
Charlotte, NC 28202  
Customer Service: (704) 350-7500**

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***PLEASE SCROLL DOWN TO VIEW THE COURT CALENDAR(S) FOR  
NOVEMBER 14 - 18, 2022***

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11-14-2022

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UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
SHELBY DIVISION

THE HONORABLE J. CRAIG WHITLEY, PRESIDING

MONDAY, NOVEMBER 14, 2022

9:30 a.m. in Charlotte

11	Sheila M. Chesney	22-40109	Confirmation Hearing (20); Objection of Mark and Gina Keith to Confirmation of Subchapter V Plan; Motion to Dismiss Case (35); Joinder in Objection of Jeffery M. and Jill C. Reuben to Confirmation of Subchapter V Plan; Motion to Dismiss Case (36); Limited Objection of the Bankruptcy Administrator to Plan of Reorganization and Reservation of Rights (37)
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WRIGHT  
MARTIN, TR.  
ABEL, BA  
LEACH  
HAND

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11-15-2022

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UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

THE HONORABLE J. CRAIG WHITLEY, PRESIDING

TUESDAY, NOVEMBER 15, 2022

9:30 a.m. **CANCELLED**

7      Power Home Solar, LLC    22-50228      2nd continued hearing on Motion of AFCO Credit Corporation for an Order Granting Relief from the Automatic Stay (28); Trustee's Response and Objection (55); Former Employees' Objection (60); Reply of AFCO Credit Corporation in Support of its Motion for an Order Granting Relief from the Automatic Stay (61)

GORMAN, GRIER  
SUMMERLIN, TR. / RAUBACH  
LAVENDER  
EDWARDS / CHRISTIAN / BARACK / MILLER / OLSEN

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11-16-2022

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UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

In re

DBMP LLC,<sup>1</sup>

Debtor.

Chapter 11

Case No. 20-30080 (JCW)

OFFICIAL COMMITTEE OF ASBESTOS  
PERSONAL INJURY CLAIMANTS, and  
SANDER L. ESSERMAN, in his capacity as  
Legal Representative for Future Asbestos  
Claimants,

Plaintiffs,

v.

DBMP LLC and CERTAINTEED LLC,

Defendants.

Adv. Pro. No. 21-03023 (JCW)

OFFICIAL COMMITTEE OF ASBESTOS  
PERSONAL INJURY CLAIMANTS, and  
SANDER L. ESSERMAN, in his capacity as  
Legal Representative for Future Asbestos  
Claimants, each on behalf of the estate of  
DBMP LLC,

Plaintiffs,

v.

CERTAINTEED LLC, CERTAINTEED  
HOLDING CORPORATION, and  
SAINT-GOBAIN CORPORATION,

Defendants.

Adv. Pro. No. 22-03000 (JCW)

<sup>1</sup> The last four digits of the Debtor's taxpayer identification number are 8817. The Debtor's address is 20 Moores Road, Malvern, Pennsylvania 19335.

OFFICIAL COMMITTEE OF ASBESTOS  
PERSONAL INJURY CLAIMANTS, on behalf of  
the estate of DBMP LLC, and SANDER L.  
ESSERMAN, in his capacity as Legal  
Representative for Future Asbestos  
Claimants, each on behalf of the estate of  
DBMP LLC

Plaintiff,

v.

Adv. Pro. No. 22-03001 (JCW)

COMPAGNIE DE SAINT-GOBAIN S.A.,  
SAINT-GOBAIN CORPORATION,  
SAINT-GOBAIN DELAWARE CORPORATION,  
CERTAINTEED LLC, CERTAINTEED  
HOLDING CORPORATION, JOSEPH BONDI,  
SEAN KNAPP, LAWRENCE RAYBURN,  
MICHAEL STARCZEWSKI, VINCENT  
DINENNA, ROBERT PANARO, DONALD  
MELROY, PIERRE-ANDRÉ DE CHALENDAR,  
BENOIT BAZIN, ANTOINE VIGNIAL, HUBERT  
REICHARDT, DANIEL BIARNEIX, SREEDHAR  
NATARAJAN, GUILLAUME TEXIER, THOMAS  
KINISKY, CAROL GRAY, JOHN SWEENEY,  
ERIC PLACIDET, MARK RAYFIELD, and  
KEITH CAMPBELL,

Defendants.

**NOTICE OF AGENDA OF MATTERS  
SCHEDULED FOR HEARING ON NOVEMBER 16, 2022**

Time of Hearing: 9:30 a.m. (prevailing Eastern Time)

Location of Hearing: The hearing will be held via video conference and telephone conference using Microsoft Teams. All parties who intend to appear by Microsoft Teams (either by video or telephonically) should contact Ursula Hamilton at [ursula\\_c\\_hamilton@ncwb.uscourts.gov](mailto:ursula_c_hamilton@ncwb.uscourts.gov) by November 15, 2022 and provide the email address for each of those attorneys (and witnesses, if any) requesting the needed link, codes and dial-in information. Parties who plan to speak via Microsoft Teams should plan to wear headphones, if available, to prevent feedback.

## **STATUS CONFERENCE GOING FORWARD IN ADVERSARY PROCEEDINGS**

1. Case Management Order [Adv. Pro. 21-3023, Dkt. 94; Adv. Pro. 22-3000, Dkt. 48; Adv. Pro. 22-3001, Dkt. 37].

**Status: The Court held a status conference on its *in camera* review pursuant to part C.4 of the Case Management Order on October 31, 2022. A further status conference on this matter is going forward.**

### Related Documents:

- A. Correspondence from the Official Committee of Asbestos Personal Injury Claimants and the Future Claimants' Representative to the Court, dated July 18, 2022 [Dkt. 1517; Adv. Pro. 21-3023, Dkt. 122; Adv. Pro. 22-3000, Dkt. 87; Adv. Pro. 22-3001, Dkt. 69] (the "Claimant Representatives' Letter").
- B. Correspondence from the Debtor to the Court in Response to the Claimant Representatives' Letter, dated August 1, 2022 [Dkt. 1524; Adv. Pro. 21-3023, Dkt. 125; Adv. Pro. 22-3000, Dkt. 92; Adv. Pro. 22-3001, Dkt. 72] (the "Debtor's Letter").
- C. Correspondence from the Official Committee of Asbestos Personal Injury Claimants and the Future Claimants' Representative to the Court in Response to the Debtor's Letter, dated August 5, 2022 [Dkt. 1532; Adv. Pro. 21-3023, Dkt. 126; Adv. Pro. 22-3000, Dkt. 94; Adv. Pro. 22-3001, Dkt. 73] (the "Claimant Representatives' Response Letter").
- D. Correspondence from the Debtor to the Court in Response to the Claimant Representatives' Response Letter, dated August 8, 2022 [Dkt. 1534; Adv. Pro. 21-3023, Dkt. 127; Adv. Pro. 22-3000, Dkt. 95; Adv. Pro. 22-3001, Dkt. 74].

## **CONTESTED MATTER GOING FORWARD IN ADVERSARY PROCEEDINGS**

2. Joint Letter to the Court Regarding Discovery Plan in Adversary Proceedings [Adv. Pro. 21-3023, Dkt. 146; Adv. Pro. 22-3000, Dkt. 120; Adv. Pro. 22-3001, Dkt. 95].

**Status: The Court held a hearing on this matter on October 31, 2022. This matter is going forward for the Court to issue its ruling.**

### Related Documents:

- A. Case Management Order [Adv. Pro. 21-3023, Dkt. 94; Adv. Pro. 22-3000, Dkt. 48; Adv. Pro. 22-3001, Dkt. 37].

Dated: November 14, 2022  
Charlotte, North Carolina

Respectfully submitted,

/s/ Garland S. Cassada

Garland S. Cassada (NC Bar No. 12352)  
David M. Schilli (NC Bar No. 17989)  
Andrew W.J. Tarr (NC Bar No. 31827)  
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(Admitted *pro hac vice*)

ATTORNEYS FOR DEBTOR AND  
DEBTOR IN POSSESSION

3:30 p.m.

- |        |   |                               |  |
|--------|---|-------------------------------|--|
| 2) Adv | First Savings Bank<br>v.<br>Heather Culp,<br><i>Chapter 7 Trustee</i> | 22-03024<br>Ch. 7<br>21-30114 | RULING on Plaintiff's Motion for Summary Judgment (10, 11); Plaintiff's Memorandum of Law in Support of its Motion for Summary Judgment (12); Trustee's Response to Motion for Summary Judgment, Objection to Affidavit, and Relief Requested Under Rule 7056(f) of the Federal Rules of Bankruptcy Procedure (14/18); Trustee's Memorandum of Law in Support of Trustee's Response (19); Plaintiff's Reply in Support of its Motion for Summary Judgment (20) |
|--------|---|-------------------------------|--|

FANNING / WOLFF  
WOODMAN

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4:00 p.m.

- |        |   |                                |   |
|--------|---|--------------------------------|---|
| 3) Adv | Ballantyne Brands, LLC<br>v.<br>John J. Wiesehan, Jr. | 21-03002<br>Ch. 11<br>19-30083 | RULING on Defendant's Motion for Summary Judgment (62, 66); Plaintiff's Brief Opposing Summary Judgment (73); Defendant's Reply in Support of Motion for Summary Judgment (75)<br><br>RULING on Defendant's Motion to Exclude Expert Testimony (63, 66); Plaintiff's Brief in Opposition to Defendant's Motion (72); Defendant's Reply in Support of Motion for Summary Judgment (76) |
|--------|---|--------------------------------|---|

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4) Adv Ballantyne Brands, LLC 21-03004 RULING on Defendant's Motion for  
v. Ch. 11 Summary Judgment (45); Plaintiff's  
Justin Wiesehan 19-30083 Brief Opposing Summary Judgment  
(54); Defendant's Reply in Support of  
Motion for Summary Judgment (56)

RULING on Defendant's Motion to  
Exclude Expert Testimony (46);  
Plaintiff's Brief in Opposition to  
Defendant's Motion (53); Defendant's  
Reply in Support of Motion to Exclude  
Testimony (57)

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5) Adv Ballantyne Brands, LLC 21-03005 RULING on Defendant's Motion for  
v. Ch. 11 Summary Judgment (43); Plaintiff's  
Todd Millard 19-30083 Brief Opposing Summary Judgment  
(52); Defendant's Reply in Support of  
Motion for Summary Judgment (54)

RULING on Defendant's Motion to  
Exclude Expert Testimony (44);  
Plaintiff's Brief in Opposition to  
Defendant's Motion (51); Defendant's  
Reply in Support of Motion to Exclude  
Expert Testimony (55)

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11-18-2022

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UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
SHELBY DIVISION

THE HONORABLE J. CRAIG WHITLEY, PRESIDING

FRIDAY, NOVEMBER 18, 2022

*Steven G. Tate, Trustee*

9:30 a.m.

- |    |    |  |          |   |
|----|----|--|----------|---|
| 1) | 13 | Charles S. Morehead<br>Christa F. Morehead | 19-40218 | Continued hearing on Trustee's<br>Motion to Dismiss Case (47)   |
|    |    | MCKEE                                      |          |   |
|    |    | -----                                      |          |   |
| 2) | 12 | Jeffery L. Benfield<br>April E. Benfield   | 21-40009 | 5th continued hearing on Trustee's<br>Motion for Claims Determination<br>(109); Debtors' Response (110);<br>Response of the Internal Revenue<br>Service (117) |
|    |    | JOHNSON<br>WOOD                            |          |   |
|    |    | -----                                      |          |   |
| 3) | 13 | Shirley D. Bracey                          | 22-40074 | 2nd continued hearing on Objection of<br>Bank of America, N.A. to Confirmation<br>of the Chapter 13 Plan (20, 16, 14)   |
|    |    | WOOD<br>CURRIE                             |          |   |
|    |    | -----                                      |          |   |
| 4) | 13 | Craig A. Francis                           | 22-40101 | Objection of Atwood Rentals, Inc. to<br>Confirmation of Chapter 13 Plan (17,<br>11)   |
|    |    | WILLCOX<br>PHILLIPS                        |          |   |
|    |    | -----                                      |          |   |

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|-----|----|--|----------|--|
| 5)  | 13 | Javier A. Medrano                                  | 22-40122 | Court Order for Debtor to Appear and Show Cause for Dismissal of Case (14, 1)                |
|     |    | BLOSSOM  |          |  |
|     |    | -----  |          |  |
| 6)  | 13 | Barry E. Taylor<br>Linda M. Taylor                 | 17-40396 | Status hearing on Order Granting Motion to Sell Property and Modify Plan (97)                |
|     |    | LUTZ   |          |  |
|     |    | -----  |          |  |
| 7)  | 13 | Sandra L. Lytle                                    | 22-40024 | 2nd continued hearing on Trustee's Motion to Dismiss Case (18)                               |
|     |    | LUTZ   |          |  |
|     |    | -----  |          |  |
| 8)  | 13 | Anna B. Sisk                                       | 22-40052 | Continued hearing on Trustee's Motion to Dismiss Case (15)                                   |
|     |    | LUTZ   |          |  |
|     |    | -----  |          |  |
| 9)  | 13 | Paul C. Kadanec                                    | 19-40019 | Continued hearing on Trustee's Motion to Dismiss Case (30)                                   |
|     |    | FARMER   |          |  |
|     |    | -----  |          |  |
| 10) | 13 | Norma G. Stowe Baker                               | 21-40107 | 2nd continued hearing on Trustee's Motion to Dismiss Case (30)                               |
|     |    | FARMER   |          |  |
|     |    | -----  |          |  |
| 11) | 13 | Frankie L. Brandstetter<br>Lucinda M. Brandstetter | 22-40083 | Continued hearing on Trustee's Objection to Confirmation of Plan; Motion to Dismiss (18, 13) |
|     |    | FARMER   |          |  |

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***NO COURT***

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**HONORABLE J. CRAIG WHITLEY**

**THERE ARE NO HEARINGS SCHEDULED FOR  
NOVEMBER 16 - 17, 2022**

**SCHEDULE CHANGES OCCUR DAILY.  
PLEASE REFER TO ANY FILED NOTICES  
OR ADVISE THE COURT IF THERE IS A NEED  
FOR A SPECIAL HEARING DATE.**