

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

In re

DBMP LLC,¹

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)

¹ 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.

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.

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

The Armstrong World Industries, Inc. Asbestos
Personal Injury Settlement Trust, *et al.*,

Plaintiffs,

v.

DBMP LLC.

Defendant.

Misc. No. 22-00302 (JCW)
(Transferred from District
of Delaware)

**NOTICE OF AGENDA OF MATTERS
SCHEDULED FOR HEARING ON OCTOBER 31, 2022**

Time of Hearing: 9:00 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 by October 28, 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.

UNCONTESTED MATTER GOING FORWARD IN BASE CASE

1. Motion of the Debtor for an Order Authorizing It to Sell Its Interest in Its Claims in the Midland Insurance Company Liquidation Proceeding, Pursuant to Sections 105(a) and 363(b) of the Bankruptcy Code [[Dkt. 1584](#)] (the “Midland Claim Motion”).

Status: This matter is going forward on an uncontested basis. The parties have reached a resolution regarding the Future Claimants’ Representative’s Limited Objection to the Midland Claim Motion, which will be reflected in a revised form of proposed order.

Objection Deadline: October 25, 2022

Objections Received:

- A. Limited Objection of the Future Claimants’ Representative to the Midland Claim Motion [[Dkt. 1599](#)].

CONTESTED MATTER GOING FORWARD IN BASE CASE

2. Motion of the Debtor for an Order (I) Establishing Bar Dates and Related Procedures for Filing Proofs of Claim Other Than With Respect to Asbestos Personal Injury Claims and (II) Approving Form and Manner of Notice Thereof [[Dkt. 1583](#)] (the “Non-Asbestos Bar Date Motion”).

Status: This matter is going forward.

Objection Deadline: October 6, 2022

Objections Received:

- A. The Official Committee of Asbestos Personal Injury Claimants and the Future Claimants’ Representative’s Limited Objection to the Non-Asbestos Bar Date Motion [[Dkt. 1591](#)].

STATUS CONFERENCE GOING FORWARD IN ADVERSARY PROCEEDINGS

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

Status: A status conference on the Court's *in camera* review pursuant to part C.4 of the Case Management Order 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](#)].
4. 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 parties have requested a status conference regarding this matter.

Related Documents:

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

CONTESTED MATTERS GOING FORWARD IN PROCEEDING TRANSFERRED FROM DISTRICT OF DELAWARE

5. Non-Party Certain Matching Claimants' Motion and Joinder to Quash or Modify Subpoenas [Dist. Del. [Dkt. 6](#), WDNC [Dkt. 4-5](#)] (the "Matching Claimants' Motion to Quash") and Kazan McClain Matching Claimants' Motion to Quash and Joinder in Third Party Asbestos Trusts' Motion to Quash or Modify Subpoenas [Dist. Del. [Dkt. 7](#), W.D.N.C. [Dkt. 4-6](#)].

Status: This matter is going forward.

Related Documents:

- A. Amended Exhibit A to Matching Claimants' Motion to Quash [Dist. Del. [Dkt. 8](#), W.D.N.C. [Dkt. 4-7](#)].
- B. Stipulation to Extend Time [Dist. Del. [Dkt. 10](#); W.D.N.C. [Dkt. 4-9](#)].
- C. Non-Party Additional Certain Matching Claimants' Motion and Joinder to Quash or Modify Subpoenas [Dist. Del. [Dkt. 11](#), W.D.N.C. [Dkt. 4-10](#)].
- D. DBMP LLC Motion to Transfer This Action to the United States Bankruptcy Court for the Western District of North Carolina [Dist. Del. [Dkt. 16](#), W.D.N.C. [Dkt. 5-5](#)] (the "Motion to Transfer").
- E. Response of Certain Matching Claimants in Opposition to the Motion to Transfer [Dist. Del. [Dkt. 27](#), W.D.N.C. [Dkt. 7-9](#)].
- F. Joinder of the Kazan McClain Firm Matching Claimants to Response of Certain Matching Claimants in Opposition to the Motion to Transfer [Dist. Del. [Dkt. 28](#), W.D.N.C. [Dkt. 7-10](#)].
- G. Reply Brief of DBMP LLC in Support of the Motion to Transfer [Dist. Del. [Dkt. 33](#), W.D.N.C. [Dkt. 8-3](#)].
- H. Correspondence from Certain Matching Claimants to the Court Regarding Additional Certain Matching Claimants' and Their Corresponding Law Firms' Joinder in All Motions, dated June 8, 2022 [Dist. Del. [Dkt. 36](#), W.D.N.C. [Dkt. 8-5](#)].
- I. Correspondence from DBMP LLC to the Court Requesting Oral Argument, dated June 9, 2022 [Dist. Del. [Dkt. 37](#), W.D.N.C. [Dkt. 8-6](#)] (the "Oral Argument Request").
- J. Certain Matching Claimants and Additional Certain Matching Claimants' Correspondence to the Court Regarding the Oral Argument Request, dated June 9, 2022 [Dist. Del. [Dkt. 38](#), W.D.N.C. [Dkt. 8-7](#)].

- K. DBMP LLC's Letter to the Honorable Colm F. Connolly Regarding Supplemental Authority, dated June 14, 2022 [Dist. Del. [Dkt. 41](#), W.D.N.C. [Dkt. 8-9](#)].
- L. Certain Matching Claimants' and Additional Certain Matching Claimants' Reply in Support of Motion and Joinder to Quash or Modify Subpoenas [Dist. Del. [Dkt. 42](#), W.D.N.C. [Dkt. 9-1](#)].
- M. Joinder of the Kazan McClain Firm Matching Claimants to Certain Matching Claimants' and Additional Certain Matching Claimants' Reply in Support of Matching Claimants' Motion to Quash [Dist. Del. [Dkt. 44](#), W.D.N.C. [Dkt. 9-3](#)].
- N. Memorandum Order [Dist. Del. [Dkt. 51](#), W.D.N.C. [Dkt. 9-10](#)].
- O. Notice of Hearing [W.D.N.C. [Dkt. 16](#)].

Objections:

- P. DBMP LLC's Opposition to the Non-Party Certain Matching Claimants' and Kazan McClain Matching Claimants' Motions to Quash and Joinder in Third-Party Asbestos Trusts' Motion to Quash or Modify Subpoenas [Dist. Del. [Dkt. 24](#), W.D.N.C. [Dkt. 7-6](#)].
6. Non-Party Certain Matching Claimants' Motion to Proceed Anonymously [Dist. Del. [Dkt. 12](#), W.D.N.C. [Dkt. 5-1](#)] (the "Motion to Proceed Anonymously").

Status: This matter is going forward.

Related Documents:

- A. Joinder of Non-Party Additional Certain Matching Claimants to the Motion to Proceed Anonymously [Dist. Del. [Dkt. 13](#), W.D.N.C. [Dkt. 5-2](#)].
- B. Joinder of the Kazan McClain Matching Claimants to the Motion to Proceed Anonymously [Dist. Del. [Dkt. 23](#), W.D.N.C. [Dkt. 7-5](#)].
- C. Non-Party Certain Matching Claimants' and Additional Certain Matching Claimants' Reply in Support of Motion to Proceed Anonymously [Dist. Del. [Dkt. 29](#), W.D.N.C. [Dkt. 7-11](#)].
- D. Joinder of the Kazan McClain Matching Claimants to Non-Party Certain Matching Claimants' Reply in Support of Motion to Proceed Anonymously [Dist. Del. [Dkt. 30](#), W.D.N.C. [Dkt. 8-1](#)].
- E. The Oral Argument Request.
- F. Notice of Hearing [W.D.N.C. [Dkt. 16](#)].

Objection:

G. DBMP LLC's Answering Brief in Opposition to the Motion to Proceed Anonymously [Dist. Del. [Dkt. 25](#), W.D.N.C. [Dkt. 7-7](#)].

Dated: October 27, 2022
Charlotte, North Carolina

Respectfully submitted,

RAYBURN COOPER & DURHAM, P.A.

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