

**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.

CERTAINEED LLC (f/k/a CERTAINEED
CORPORATION) (a/k/a "OLD CERTAINEED"),

Defendant.

Adv. Pro. No. 22-3045 (JCW)

DBMP LLC,

Plaintiff,

v.

THOSE PARTIES LISTED ON
APPENDIX A TO COMPLAINT and
JOHN AND JANE DOES 1-1000,

Defendants.

Adv. Pro. No. 20-3004 (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.

THE ARMSTRONG WORLD INDUSTRIES, INC.
ASBESTOS PERSONAL INJURY SETTLEMENT
TRUST, *et al.*

Plaintiffs,

v.

DBMP LLC,

Defendant.

Case No. 22-00302 (JCW)

(Transferred from the District of
Delaware)

**NOTICE OF AGENDA OF MATTERS
SCHEDULED FOR HEARING ON FEBRUARY 9, 2023**

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

Location of Hearing: Courtroom of the Honorable Judge J. Craig Whitley, United States
Bankruptcy Court for the Western District of North Carolina, Charlotte
Division, JCW Courtroom 2-B, 401 West Trade Street, Charlotte, North
Carolina 28202

CONTESTED MATTER GOING FORWARD IN BASE CASE

1. Motion of the Debtor for Clarification of the Court's Derivative Standing Order [[Dkt. 2067](#)] (the "[Clarification Motion](#)").

Status: This matter is going forward.

Objection Deadline: January 27, 2023

Related Documents:

- A. Order Granting in Part and Denying in Part Motion of the Official Committee of Asbestos Personal Injury Claimants and the Future Claimants' Representative for Entry of an Order (I) Granting Leave, Standing, and Authority to Investigate, Commence, Prosecute, and to Settle Certain Causes of Action, and (II) to Conduct Relevant Examinations [[Dkt. 1197](#)].
- B. Complaint for Appointment of Receiver and Related Relief [Adv. Pro. No. 22-3045, Adv. [Dkt. 1](#)] (the "[Complaint](#)").
- C. Order Establishing Procedures for Consideration of Issues Related to Claimant Representatives' Receivership Proceeding [[Dkt. 2059](#)] (the "[Procedures Order](#)").
- D. Joinder of CertainTeed LLC in Clarification Motion [[Dkt. 2068](#)].

- E. Debtor's Omnibus Reply in Support of (A) Motion to Dismiss the Receivership Complaint and (B) Related Clarification Motion [[Dkt. 2211](#); Adv. Pro. No. 22-3045, Adv. [Dkt. 13](#)] (the "Debtor's Omnibus Reply").
- F. Omnibus Reply in Support of (A) Motion for the Debtor for Clarification of the Court's Derivative Standing Order and Related Joinder; and (B) Motion of the Debtor and New CertainTeed Under [Federal Rules of Civil Procedure 12\(B\)\(1\), \(B\)\(2\), \(B\)\(4\), and \(B\)\(5\)](#) to Dismiss Complaint for Appointment of Receiver and Related Relief [[Dkt. 2212](#); Adv. Pro. No. 22-3045, Adv. [Dkt. 14](#)] (the "New CT Omnibus Reply").
- G. Declaration of Howard S. Steel in Support of the New CT Omnibus Reply [[Dkt. 2213](#); Adv. Pro. No. 22-3045, Adv. [Dkt. 15](#)] (the "New CT Omnibus Reply Declaration").

Objection Received:

- H. Omnibus Objection to (A) Motion of the Debtor for Clarification of the Court's Derivative Standing Order, and Related Joinder, and (B) Motion of the Debtor and New CertainTeed Under [Federal Rules of Civil Procedure 12\(b\)\(1\), \(b\)\(2\), \(b\)\(4\), and \(b\)\(5\)](#) to Dismiss Complaint for Appointment of Receiver and Related Relief [[Dkt. 2196](#); Adv. Pro. No. 22-3045, Adv. [Dkt. 9](#)] (the "Claimant Representatives' Objection").

CONTESTED MATTER GOING FORWARD IN ADVERSARY PROCEEDING 22-3045

- 2. Motion of the Debtor and New CertainTeed Under [Federal Rules of Civil Procedure 12\(b\)\(1\), \(b\)\(2\), \(b\)\(4\), and \(b\)\(5\)](#) to Dismiss Complaint for Appointment of Receiver and Related Relief [Adv. Pro. No. 22-3045, Adv. [Dkt. 5](#)] (the "Motion to Dismiss").

Status: This matter is going forward.

Objection Deadline: January 27, 2023

Related Documents:

- A. Memorandum in Support of the Motion to Dismiss [Adv. Pro. No. 22-3045, Adv. [Dkt. 6](#)].
- B. The Complaint.
- C. The Procedures Order.
- D. The Clarification Motion.
- E. Debtor's Omnibus Reply.
- F. New CT Omnibus Reply.

G. New CT Omnibus Reply Declaration.

Objection Received:

H. The Claimant Representatives' Objection.

CONTESTED MATTER GOING FORWARD IN ADVERSARY PROCEEDING 20-3004

3. Motion of the Official Committee of Asbestos Personal Injury Claimants and the Future Claimants' Representative to Modify and/or Vacate the Preliminary Injunction as to Old CertainTeed [Adv. Pro. No. 20-3004, Adv. [Dkt. 353](#)] (the "Motion to Modify").

Status: This matter is going forward.

Objection Deadline: February 2, 2023

Related Documents:

- A. Findings of Fact and Conclusions of Law Regarding Order: (I) Declaring That the Automatic Stay Applies to Certain Actions Against Non-Debtors, (II) Denying Motion of the Official Committee of Asbestos Personal Injury Claimants to Lift the Stay, and Alternatively (III) Preliminarily Enjoining Such Actions [Adv. Pro. No. 20-3004, Adv. [Dkt. 343](#)].
- B. Order: (I) Declaring That the Automatic Stay Applies to Certain Actions Against Non-Debtors, (II) Denying the Motion of the Official Committee of Asbestos Personal Injury Claimants to Lift the Stay, and Alternatively (III) Preliminarily Enjoining Certain Actions [Adv. Pro. No. 20-3004, Adv. [Dkt. 344](#)].
- C. Motion of CertainTeed LLC, CertainTeed Holding Corporation and Saint-Gobain Corporation to Intervene in Adversary Proceeding [Adv. Pro. No. 20-3004, Adv. [Dkt. 356](#)].
- D. Reply in Support of Motion to Modify [Adv. Pro. No. 20-3004, Adv. [Dkt. 358](#)].

Objections Received:

- E. Debtor's Objection to the Motion to Modify [Adv. Pro. No. 20-3004, Adv. [Dkt. 355](#)]
- F. Objection of CertainTeed LLC, CertainTeed Holding Corporation and Saint-Gobain Corporation to Motion to Modify [Adv. Pro. No. 20-3004, Adv. [Dkt. 357](#)].

CONTESTED MATTER GOING FORWARD IN PROCEEDING TRANSFERRED FROM DISTRICT OF DELAWARE

4. Motion to Alter or Amend the Order Denying Non-Party Certain Matching Claimant's Motion and Joinder to Quash or Modify Subpoenas and Kazan McClain Matching Claimants' Motion to Quash and Joinder in Third Party Asbestos Trusts' Motion to Quash or Modify Subpoenas [Case No. 22-302, [Dkt. 33](#)] (the "Motion to Alter or Amend").

Status: This matter is going forward.

Objection Deadline: January 19, 2023

Related Documents:

- A. Order Denying Non-Party Certain Matching Claimants' Motion and Joinder to Quash or Modify Subpoenas and Kazan McClain Matching Claimants' Motion to Quash and Joinder in Third Party Asbestos Trusts' Motion to Quash or Modify Subpoenas [Case No. 22-302, [Dkt. 31](#)].
- B. Order Granting Debtor's Motion for Bankruptcy Rule 2004 Examination of Asbestos Trusts and Governing Confidentiality of Information Provided in Response [[Dkt. 1340](#)].
- C. Reply in Support of the Motion to Alter or Amend [Case No. 22-302, [Dkt. 47](#)].

Objection Received:

- D. Debtor's Objection to the Motion to Alter or Amend [Case No. 22-302, [Dkt. 46](#)].

Dated: February 7, 2023
Charlotte, North Carolina

Respectfully submitted,

/s/ Garland S. Cassada
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ATTORNEYS FOR DEBTOR AND
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