

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

In re	:	Chapter 11
	:	
DBMP LLC ¹	:	Case No. 20-30080 (JCW)
	:	
Debtor.	:	

OFFICIAL COMMITTEE OF ASBESTOS PERSONAL INJURY CLAIMANTS, and SANDER L. ESSERMAN, in his capacity as Legal Representative for Future Asbestos Claimants,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Adv. Pro. No. 21-03023 (JCW)
	:	
DBMP LLC and CERTAINTEED LLC,	:	
	:	
Defendants.	:	

**NOTICE OF AGENDA OF MATTERS SCHEDULED
FOR HEARING ON DECEMBER 16, 2021**

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

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.

UNCONTESTED MATTER GOING FORWARD IN BASE CASE

1. Motion of the Official Committee of Asbestos Personal Injury Claimants to Substitute a Committee Member [[Dkt. 1229](#)].

Status: This matter is going forward.

Objection Deadline: December 6, 2021

Related Documents: None.

Objections Received: None.

CONTESTED MATTERS POTENTIALLY GOING FORWARD IN BASE CASE

2. Debtor's Motion for Bankruptcy Rule 2004 Examination of Asbestos Trusts [[Dkt. 416](#)].

Status: The Court held a hearing on this matter on October 21, 2021 and the matter has been continued for ruling.

3. Debtor's Motion for Order Pursuant to Bankruptcy Rule 2004 Directing Submission of Personal Injury Questionnaires by Pending Mesothelioma Claimants [[Dkt. 417](#)].

Status: The Court held a hearing on this matter on October 22, 2021 and the matter has been continued for ruling.

4. Official Committee of Asbestos Personal Injury Claimants' Conditional Motion Pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure for an Order Directing the Submission of Information by Debtor's Defense Counsel [[Dkt. 904](#)].

Status: The Court held a hearing on this matter on October 21, 2021 and the matter has been continued for ruling.

5. Motion of the Official Committee of Asbestos Personal Injury Claimants and the Future Claimants' Representative to Compel Discovery Pursuant to the Crime-Fraud Exception and / or Waiver of the Attorney Client Privilege and Work Product Protection [[Dkt. 1006](#)].

Status: The Court held a hearing on this matter on October 5, 2021 and the matter has been continued for ruling.

6. Motion of the Debtor for an Order Authorizing It to Enter Into Second Amended and Restated Funding Agreement [[Dkt. 1051](#)].

Status: The Court held a hearing on this matter on October 14, 2021 and the matter has been continued for ruling.

CONTESTED MATTERS GOING FORWARD IN ADVERSARY PROCEEDING

1. CertainTeed LLC's Motion to Dismiss Complaint and Brief in Support [[Adv. Pro. Dkt. 20](#)] (the "[New CT Motion to Dismiss](#)").

Status: The matter is going forward.

Related Documents:

- A. Complaint for Entry of an Order Substantively Consolidating the Estate of DBMP LLC With CertainTeed LLC Or, In the Alternative, For an Order Reallocating the Asbestos Liabilities of the Debtor to CertainTeed LLC [[Dkt. 1004](#); [Adv. Pro. Dkt. 1](#)] (the "[Complaint](#)").
- B. Plaintiffs' Motion for Entry of an Order Substantively Consolidating the Estate of DBMP LLC With CertainTeed LLC Or, In the Alternative, For an Order Reallocating the Asbestos Liabilities of the Debtor to CertainTeed LLC [[Dkt. 1005](#); [Adv. Pro. Dkt. 2](#)] (the "[Motion](#)").
- C. Motion of the Debtor to Dismiss the Complaint [[Adv. Pro. Dkt. 21](#)] (the "[Debtor Motion to Dismiss](#)").
- D. Brief in Support of the Debtor Motion to Dismiss [[Adv. Pro. Dkt. 22](#)] (the "[Debtor Brief](#)").
- E. Debtor Reply in Support of Debtor Motion to Dismiss [[Adv. Pro. Dkt. 26](#)] (the "[Debtor Reply](#)")
- F. CertainTeed LLC Reply in Support of New CT Motion to Dismiss [[Adv. Pro. Dkt. 27](#)] (the "[New CT Reply](#)").

Objections Received:

- G. Plaintiffs' Opposition to Defendants' Motions to Dismiss [[Adv. Pro. Dkt. 25](#)] (the "[Plaintiffs' Opposition](#)").
2. The Debtor Motion to Dismiss.

Status: The matter is going forward.

Related Documents:

- A. The Complaint.
- B. The Motion.
- C. New CT Motion to Dismiss.
- D. The Debtor Brief.
- E. The Debtor Reply.
- F. New CT Reply.

Objections Received:

- G. The Plaintiffs' Opposition.

Dated: December 14, 2021
Charlotte, North Carolina

Respectfully submitted,

/s/ Garland S. Cassada

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