

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

In Re:

Kaiser Gypsum Company, Inc., *et al.*
Debtors. ¹

Kaiser Gypsum Company, Inc., *et al.*,
Plaintiffs

v.

AIU Insurance Company *et al.*
Defendants

Case No. 16-31602

Chapter 11

Jointly Administered

Adversary Proceeding

No. 16-AP-03340

**NOTICE OF PROPOSED AGENDA OF
MATTERS SCHEDULED FOR HEARING ON
THURSDAY, MARCH 23, 2017 AT 9:30 A.M.**

CONTINUED MATTERS (BASE CASE)

1. *Motion of Truck Insurance Exchange for Relief from Automatic Stay to Pursue Appeal of State Court Action* [Docket No. 397]
 - A. Related Pleadings: None
 - B. Objection Deadline: March 10, 2017
 - C. Status: A consent order continuing this matter to May 2, 2017 has been circulated and the Debtors anticipate the order will be presented to the Court on or before the March 23rd hearing.

¹ The Debtors are the following entities (the last four digits of their respective taxpayer identification numbers follow in parentheses): Kaiser Gypsum Company, Inc. (0188) and Hanson Permanente Cement, Inc. (7313). The Debtors' address is 300 E. John Carpenter Freeway, Irving, Texas 75062

UNCONTESTED MATTERS (BASE CASE)

2. *Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing Them to Obtain Postpetition Financing on a Superpriority, Secured Basis, (II) Granting Liens and Superpriority Claims, (III) Modifying the Automatic Stay and (IV) Scheduling a Final Hearing* [Docket No. 7]

A. Related Pleadings:

i. Declaration of Charles E. McChesney II in Support of First Day Pleadings [Docket No. 13]

ii. First State's Response to Debtors' Requests for First-Day Relief [Docket No. 33]

iii. Interim Order (I) Authorizing the Debtors to Obtain Postpetition Financing on a Superpriority, Secured Basis, (II) Granting Liens and Superpriority Claims, (III) Modifying the Automatic Stay and (IV) Scheduling a Final Hearing [Docket No. 82]

iv. Objecting Insurers' Objection to Debtors' Motion for Entry fo Interim and Final Orders Authorizing them to Obtain Postpetition Financing [Docket No. 290]

v. Objecting Insurers' Amended Objection to Debtors' Motion for Entry of Interim and Final Orders Authorizing them to Obtain Postpetition Financing [Docket No. 294]

B. Objection Deadline: N/A

C. Status: A Proposed Agreed Order Amending the Interim DIP Financing Order has been circulated. The Debtors anticipate having only a status conference with respect to this matter on March 23, 2017.

3. *Debtors' Motion Authorizing them to Perform under Services Agreement with Non-Debtor Affiliate* [Docket No. 351]

A. Related Pleadings: None

B. Objection Deadline: February 20, 2017

C. Status: The Debtors and UCC are negotiating an agreed order and anticipate an agreed order will be presented to the Court at the March 23rd hearing.

4. *Debtors' Second Motion for an Order Extending the Exclusive Periods to File a Plan or Plans of Reorganization and Solicit Acceptances Thereof* [Docket No. 407]

- A. Related Pleadings: None
- B. Objection Deadline: March 22, 2017
- C. Status: This matter is going forward.

CONTESTED MATTERS (BASE CASE)

5. *First State's Motion for Relief from Stay* [Docket No. 394]

- A. Related Pleadings:
 - i. Brief in Support of First State's Motion for Relief from Stay [Docket No. 395]
 - ii. Debtors' Objection to Lift Stay Motion Filed by First State [Docket No. 409]
 - iii. Official Committee of Unsecured Creditors' Memorandum of Law in Opposition to (1) Certain Insurers' Motion for Relief from Stay Relating to California Insurance Coverage Action and (II) First State's Motion for Relief from Automatic Stay [Docket No. 411]
 - iv. Reply in Support of First State's Motion for Relief from Automatic Stay [Docket No. 415]
- B. Deadlines: Per Agreed Scheduling Order [Docket No. 175]
- C. Status: This matter is going forward.

6. *Certain Insurers' Motion for Relief from Stay Relating to California Insurance Coverage Litigation* [Docket No. 399]

- A. Related Pleadings:
 - i. Brief in Support of Certain Insurers' Motion for Relief from Stay Relating to California Insurance Coverage Action [Docket No. 400]
 - ii. Debtors' Objections to Certain Insurers' Motion for Relief from Stay [Docket No. 410]

iii. Official Committee of Unsecured Creditors' Memorandum of Law in Opposition to (I) Certain Insurers' Motion for Relief from Stay Relating to California Insurance Coverage Action and (II) First State's Motion for Relief from Automatic Stay [Docket No. 411]

iv. Reply in Support of Certain Insurers' Motion for Relief from Stay Relating to California Insurance Coverage Action [Docket No. 416]

v. Joinder by Truck Insurance Exchange in Certain Insurers' Reply in Support of Certain Insurers' Motion for Relief from Stay Relating to California Insurance Coverage Action [Docket No. 418]

B. Deadlines: Per Agreed Scheduling Order [Docket No. 175]

C. Status: This matter is going forward.

CONTESTED MATTERS (ADVERSARY PROCEEDING)

7. *Motion to Remand and Plaintiffs' Brief in Support of Motion to Remand* [Docket No. 64]

A. Related Pleadings:

i. London Market Insurers' Opposition to Kaiser's Motion to Remand [Docket No. 95]

ii. Certain Insurers' Opposition to Motion to Remand [Docket No. 97]

iii. Joinder of Truck Insurance Exchange Company to London Market Insurers' Opposition to Kaiser's Motion to Remand [Docket No. 98]

iv. Allstate Insurance Company's Joinder to London Market Insurers' Opposition to Kaiser's Motion to Remand [Docket No. 103]

v. National Casualty and Sentry's Joinder to Certain Insurers' Motion to Transfer Venue and Certain Insurers' Opposition to Motion to Remand [Docket No. 105]

vi. Plaintiffs' Reply Brief in Support of Motion to Remand [Docket No. 108]

vii. Official Committee of Unsecured Creditors' Reply Memorandum of Law in Support of Debtors' Motion to Remand [Docket No. 109]

viii. London Market Insurers and CNA's Amended Opposition to Plaintiffs' Motion for Remand and Supporting Brief [Docket No. 177] (updating Docket No. 95)

ix. Debtors' Supplemental Brief in Support of Motion for Remand [Docket No. 178] (updating Docket No. 64)

x. Oregon Department of Environmental Quality's Reply to London Market Insurers and CNA's Amended Opposition to Plaintiffs' Motion to Remand and Supporting Brief [Docket No. 188]

xi. Official Committee of Unsecured Creditors; Memorandum of Law in Support of (I) Debtors' Motion to Remand and (II) Debtors' Motion for Mandatory and Permissive Abstention [Docket No. 190]

xii. Debtors' Supplemental Reply Brief in Support of Motion for Remand [Docket No. 196]

xiii. Declaration of Philip E. Cook in Support of Plaintiffs' Supplemental Brief in Support of Motion for Remand [Docket No. 197]

xiv. Declaration of Charles E. McChesney II in Support of Debtors' Supplemental Reply Brief in Support of Motion for Remand [Docket No. 198]

B. Deadlines: Per Agreed Scheduling Order [Docket No. 175]

C. Status: This matter is going forward.

8. *Plaintiff's Motion for Mandatory and Permissive Abstention and Supporting Brief* [Docket No. 161]

A. Related Pleadings:

i. Declaration of Marie Eckert [Docket No. 162]

ii. Joinder of the Official Committee of Unsecured Creditors to Plaintiffs' Motion for Mandatory and Permissive Abstention and Supporting Relief [Docket No. 168]

iii. Oregon Department of Environmental Quality's Joinder in Plaintiff's Motion for Mandatory and Permissive Abstention [Docket No. 169]

iv. Certain Defendants' Opposition to Plaintiffs' Motion for Mandatory and Permissive Abstention [Docket No. 179]

v. Certain Insurers' Opposition to Plaintiffs' Abstention Motion [Docket No. 180]

vi. Joinder by Truck Insurance Exchange in Certain Insurers' Opposition to Plaintiffs' Abstention Motion [Docket No. 181]

vii. Joinder by Allstate Insurance company to Certain Insurers' Opposition to Plaintiffs' Abstention Motion [Docket No. 186]

viii. Oregon Department of Environmental Quality's Reply to Certain Defendants' Opposition to Plaintiff's Motion for Mandatory and Permissive Abstention [Docket No. 189]

ix. Official Committee of Unsecured Creditors; Memorandum of Law in Support of (I) Debtors' Motion to Remand and (II) Debtors' Motion for Mandatory and Permissive Abstention [Docket No. 190]

x. Debtors' Reply Brief in Support of Motion for Mandatory and Permissive Abstention [Docket No. 195]

B. Deadlines: Per Agreed Scheduling Order [Docket No. 175]

C. Status: This matter is going forward.

9. *Certain Insurers' Conditional Motion for Mandatory and Permissive Abstention* [Docket No. 191]

A. Related Pleadings:

i. Brief in Support of Certain Insurers' Conditional Motion for Mandatory and Permissive Abstention [Docket No. 192]

ii. Joinder by Truck Insurance Exchange in Certain Insurers' Conditional Motion for Mandatory and Permissive Abstention [Docket No. 194]

iii. Debtors' Opposition to Certain Insurers' Conditional Motion for Mandatory and Permissive Abstention [Docket No. 203]

iv. Official Committee of Unsecured Creditors' Memorandum of Law in Opposition to Certain Insurers' Conditional Motion for Mandatory and Permissive Abstention [Docket No. 204]

v. Declaration of Charles E. McChesney II in Support of Debtors' Opposition to the Motion for Mandatory and Permissive Abstention Filed by Certain Insurers [Docket No. 205]

vi. Declaration of Philip E. Cook in Support of Debtors' Opposition to Certain Insurers' Conditional Motion for Mandatory and Permissive Abstention [Docket No. 206]

vii. Reply in Support of Certain Insurers' Conditional Motion for Mandatory and Permissive Abstention [Docket No. 211]

viii. Joinder by Truck Insurance Exchange in Certain Insurers' Reply in Support of Certain Insurers' Conditional Motion for Mandatory and Permissive Abstention [Docket No. 212]

B. Deadlines: Per Agreed Scheduling Order [Docket No. 175]

C. Status: This matter is going forward.

Requests for telephonic appearances should be directed to hearings@ncwd.net.

This the 21st day of March, 2017.

RAYBURN COOPER & DURHAM, P.A.

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