



  
J. Craig Whitley  
United States Bankruptcy Judge

**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)

**ORDER RESOLVING EMERGENCY MOTION OF THE DEBTOR TO CONTINUE  
HEARINGS ON AND BRIEFING SCHEDULE FOR THE ASBESTOS COMMITTEE'S  
AND FUTURE CLAIMANT'S REPRESENTATIVE'S MOTIONS FOR (I) STANDING,  
(II) SUBSTANTIVE CONSOLIDATION AND (III) CERTAIN DISCOVERY**

This matter coming before the Court on the *Emergency Motion of the Debtor to Continue Hearings on and Briefing Schedule for the Asbestos Committee's and Future*

<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 19355.

*Claimant's Representative's Motions for (I) Standing, (II) Substantive Consolidation and (III) Certain Discovery* [Dkt. 1026] (the "Motion to Continue"),<sup>2</sup> filed by the debtor and debtor in possession in the above-captioned case (the "Debtor"); the Motion to Continue having been joined by CertainTeed LLC ("New CT") [Dkt. 1028]; the Claimant Representatives having filed a joint opposition to the Motion to Continue [Dkt. 1048]; the Court having reviewed the Motion to Continue and the other papers filed with respect thereto and having considered the statements of counsel at a hearing before the Court on September 17, 2021 (the "Hearing"); the parties having described a resolution of the Motion to Continue on the record of the Hearing, which resolution is reflected herein, as modified to reflect subsequent events; the Court finding that (a) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, (b) venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409, (c) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2), and (d) notice of the Motion to Continue and the Hearing was sufficient under the circumstances; and the Court having determined that just cause exists for the relief granted herein;

IT IS HEREBY ORDERED THAT:

1. The Motion to Continue is GRANTED, in part, on the terms set forth herein.

2. The deadline to file objections to the Motion to Compel and the Standing Motion was set as September 23, 2021. The deadline to file replies in support of the Motion to Compel and the Standing Motion was set as September 30, 2021. A hearing on the Motion to Compel and the Standing Motion was set for, and was conducted on, October 4 and 5, 2021 before the Court. No further notice of such hearing was required.

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<sup>2</sup> Capitalized terms not otherwise defined herein have the meanings given to them in the Motion to Continue.

3. The answer date for the complaint initiating Adversary Proceeding No. 21-03023 (the “Adversary Proceeding”) was extended and set as October 25, 2021 (the “Answer Date”). On the Answer Date, the Debtor and New CT filed motions to dismiss the complaint initiating the Adversary Proceeding [Adv. Pro. Dkts. 20, 21, 22] (collectively, the “Motions to Dismiss”). Any objections to the Substantive Consolidation Motion shall be deferred until a date to be determined after the Court rules on the Motions to Dismiss. If the Court grants the Motions to Dismiss, no response to the Substantive Consolidation Motion will be necessary.

4. A status conference on the Substantive Consolidation Motion and the related Adversary Proceeding shall be deferred until after the Court rules on the Motions to Dismiss. If the Court grants the Motions to Dismiss, no such status conference will be necessary.

5. The Rule 2004 Motion seeks from New CT a creditor list to provide additional notice of the Substantive Consolidation Motion and the Adversary Proceeding (the “Creditor List”). To resolve the Rule 2004 Motion, New CT has agreed to provide, and shall provide, the Creditor List to counsel to the Claimant Representatives within 14 days after the Court enters any order denying Motions to Dismiss in the Adversary Proceeding as to the substantive consolidation count in the complaint. If the Court grants the Motions to Dismiss as to the substantive consolidation count in the complaint, the relief requested in the Rule 2004 Motion will be moot.

6. This Court shall retain jurisdiction to hear and determine all matters involving the interpretation, implementation or enforcement of this Order.

This Order has been signed electronically. The Judge’s signature and Court’s seal appear at the top of the Order.

United States Bankruptcy Court