

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

In re:

DBMP LLC,¹

Debtor.

Chapter 11

Case No. 20-30080 (JCW)

EX PARTE MOTION FOR SUBSTITUTION OF COUNSEL

Sander L. Esserman (the “Future Claimants’ Representative” or “FCR”), as the legal representative for persons that have not yet asserted an asbestos-related personal-injury claim against the above-captioned debtor (the “Debtor”) but may in the future assert such a claim (the “Future Claimants”), hereby moves the Court for entry of an Order to allow the substitution of Alexander Ricks PLLC (“Alexander Ricks”) as his North Carolina counsel in this bankruptcy case in the place, and instead of, Hull & Chandler, P.A. (“Hull & Chandler”) effective as of February 1, 2021. In support of this Motion, the FCR respectfully states as follows:

1. By Order dated June 9, 2020 [Docket No. 324], the Court approved the retention of Hull & Chandler as North Carolina counsel for the FCR. Hull and Chandler’s representation of the FCR was led by Felton E. Parrish. Mr. Parrish resigned from Hull & Chandler effective as of January 31, 2021 and joined Alexander Ricks as a member on February 1, 2021.

2. The FCR believes that the substitution of Alexander Ricks as North Carolina counsel will best provide for the continued representation of the FCR in this case. The services to be provided by Alexander Ricks will be the same as those provided by Hull & Chandler.

3. Alexander Ricks will apply for compensation for professional services rendered in

¹ The last four digits of the Debtor’s taxpayer identification number are 8817. The Debtor’s address is 20 Moores Road, Malvern, Pennsylvania 19355.

connection with this case and for reimbursement of actual and necessary expenses incurred, in accordance with the applicable provisions of the Bankruptcy Code, the Bankruptcy Rules, the *Amended Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Retained Professionals* [Docket No. 402] (the “Interim Compensation Order”), and the local rules and further orders of this Court.

4. Alexander Ricks understands that its fees and expenses in these chapter 11 proceedings will be subject to the requirements of sections 330 and 331 of the Bankruptcy Code, the Bankruptcy Rules, the Interim Compensation Order, and any further order that may be entered by this Court establishing procedures for interim compensation and reimbursement of expenses of professionals.

5. Alexander Ricks has informed the Future Claimants’ Representative that, except as may be set forth in the annexed Declaration of Felton E. Parrish, Alexander Ricks represents no other entity in connection with this case, and is disinterested as that term is defined in section §101(14) of the Bankruptcy Code.

6. For each of the foregoing reasons, the Future Claimants’ Representative believes that the substitution of Alexander Ricks as his North Carolina counsel is in the best interests of the Debtor, its estate and creditors, as well as in the best interests of the Future Claimants.

7. This Motion is being submitted on an *ex parte* basis pursuant to Local Rule 9013-1(f). Upon entry of an order granting the relief requested, the Future Claimants’ Representative will provide notice of entry of the order in accordance with the *Order Establishing Certain Notice, Case Management and Administrative Procedures* [Docket No. 27], and any party in interest shall be entitled to request that the Court reconsider the relief provided within 14 days of service of notice of the order.

WHEREFORE, the Future Claimants' Representative requests entry of an order, substantially in the form attached hereto as Exhibit B, authorizing him to employ and retain the firm of Alexander Ricks to represent him as North Carolina counsel in this chapter 11 case effective as of February 1, 2021, and granting such other and further relief as is just and proper.

Dated: February 5, 2021

Respectfully submitted,

/s/ Felton Parrish

Felton E. Parrish (N.C. Bar No. 25448)

ALEXANDER RICKS PLLC

1420 E. 7th Street, Suite 100

Charlotte, NC 28204

Telephone: 980-334-2001

Facsimile: 704-375-8487

Email: felton.parrish@alexanderricks.com

Proposed Counsel to the Future Claimants' Representative

EXHIBIT A

PARRISH DECLARATION

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

In re:

DBMP LLC,¹

Debtor.

Chapter 11

Case No. 20-30080 (JCW)

**DECLARATION OF FELTON E. PARRISH IN SUPPORT OF
EX PARTE MOTION FOR SUBSTITUTION OF COUNSEL**

I, FELTON E. PARRISH, hereby state as follows:

1. Effective as of February 1, 2021, I became a member of Alexander Ricks PLLC ("Alexander Ricks"), 1420 E. 7th Street, Suite 100, Charlotte, North Carolina 28204.

2. Prior to joining Alexander Ricks, I was employed with Hull & Chandler, P.A. ("Hull & Chandler"). I resigned from Hull & Chandler effective as of January 31, 2021.

3. By Order dated June 9, 2020 [Docket No. 324], the Court approved the retention of Hull & Chandler as North Carolina counsel for Sander L. Esserman, the legal representative for future claimants (the "Future Claimants' Representative" or "FCR"). While with Hull & Chandler, I led the firm's representation of the FCR as North Carolina counsel.

4. I am authorized to make this declaration (the "Declaration") on behalf of Alexander Ricks. This Declaration is submitted pursuant to Rule 2014(a) of the Federal Rules of Bankruptcy Procedure in support of the Motion of the Future Claimants' Representative for an order authorizing the substitution of Alexander Ricks as his North Carolina counsel in this bankruptcy case in the place, and instead of, Hull & Chandler, P.A. effective as of February 1,

¹ The last four digits of the Debtor's taxpayer identification number are 8817. The Debtor's address is 20 Moores Road, Malvern, Pennsylvania 19355.

2021.

DISINTERESTEDNESS OF PROFESSIONALS

5. Alexander Ricks has conducted searches to identify relationships with the Debtor, creditors, and other parties-in-interest (or potential parties-in-interest) in this chapter 11 case as identified in Exhibit 1 (the “Interested Party List”). Based upon those searches, Alexander Ricks has determined that it (a) does not hold or represent any adverse interest in connection with the matters upon which Alexander Ricks is to be engaged, and (b) is disinterested.

6. Alexander Ricks is a “disinterested person” as that term is defined in section 101(14) of the Bankruptcy Code, as modified by section 1107(b) of the Bankruptcy Code, in that Alexander Ricks, its members, counsel and associates:

- a. are not creditors, equity security holders or insiders of the Debtor;
- b. have not been, within two years before the date of the filing of the Debtor’s chapter 11 petition, directors, officers or employees of the Debtor; and
- c. do not have an interest materially adverse to the interest of the estate or of any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with, or interest in, the Debtor, or for any other reason.

7. From 2013 to 2016, I was a partner with Winston & Strawn, LLP (“Winston”). Winston has been retained as special litigation and international counsel by the Official Committee of Asbestos Personal Injury Claimants (the “ACC”) in this case. While a partner with Winston, I had no involvement with the matters for which Winston is being retained

as special counsel in this case.

8. While with Hull and Chandler, I represented the legal representative for future claimants in the pending bankruptcy cases of In re Bestwall LLC, Ch. 11 Case No. 17-31795 (Bankr. W.D.N.C. 2017), in which Mr. Esserman is the future claimants' representative, and In re Kaiser Gypsum Company, Inc., Ch. 11 Case No. 16-31602 (JCW) (Bankr. W.D.N.C. 2016). Motions to substitute Alexander Ricks as North Carolina counsel in these additional cases either have already been filed, or will be filed shortly after the filing of this Declaration.

9. Neither I nor any other attorney at Alexander Ricks represents any interest adverse either to the Future Claimants' Representative or the Debtor herein or its estate in the matters upon which Alexander Ricks is to be engaged. The Interested Party List identifies J.P. Morgan Chase as one of the Debtor's depository and disbursement banks and identifies Metropolitan Life Insurance Company as a significant co-defendant in asbestos-related litigation. Alexander Ricks currently represents J.P. Morgan Chase in certain land use matters and represents Metropolitan Life Insurance Company in commercial litigation that is totally unrelated to the Debtor, this bankruptcy case, or asbestos litigation generally. These representations are not adverse to the interests of the estate, any class of creditors, equity security holders, Future Claimants or the Future Claimants' Representative.

10. Alexander Ricks will periodically review its files during the pendency of this chapter 11 case to ensure that no conflicts or other disqualifying circumstances exist or arise. If any new relevant facts or relationships are discovered or arise, Alexander Ricks will use reasonable efforts to identify such further developments and will promptly file a Supplemental Declaration as Bankruptcy Rule 2014(a) requires.

PROFESSIONAL COMPENSATION

11. Alexander Ricks intends to apply for compensation for professional services rendered in connection with this chapter 11 case subject to approval of this Court and in compliance with applicable provisions of the Bankruptcy Code, this Court's Local Rules, and the *Amended Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Retained Professionals* [Docket No. 402] (the "Interim Compensation Order"), on an hourly basis, plus reimbursement of actual, necessary expenses and other charges that Alexander Ricks incurs. Alexander Ricks will charge hourly rates for its services in this case that are consistent with the rates it charges in bankruptcy and non-bankruptcy matters of this type. I will be the Alexander Ricks attorney primarily responsible for the representation of the Future Claimant's Representative. My current standard hourly rate is \$475 per hour. Where appropriate, other Alexander Ricks attorneys or paralegals will assist with the representation of the Future Claimant's Representative. The hourly rates for attorneys with Alexander Ricks currently range from \$250 to \$495 per hour, and the legal rate for paralegals is \$125 to \$180 per hour. These hourly rates are subject to periodic adjustments to reflect economic and other conditions.

12. It is Alexander Ricks' policy to charge its clients in all areas of practice for all other expenses incurred in connection with the client's case. The expenses charged to clients include among other things, photocopying, witness fees, transcript costs, document storage and retrieval, travel expenses, certain secretarial and other overtime expenses, filing and recordation fees, postage, and express mail and messenger charges. Alexander Ricks will charge for these expenses in a manner and at rates consistent with charges made generally to its other clients.

13. No promises have been received by Alexander Ricks nor by any member, counsel or associate thereof as to compensation in connection with this case other than in accordance with the provisions of the Bankruptcy Code. Alexander Ricks has no agreement with any other entity to share with such entity any compensation received by Alexander Ricks in connection with this case.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 5th day of February, 2021.

/s/ Felton Parrish

Felton E. Parrish (N.C. Bar No. 25448)

ALEXANDER RICKS PLLC

1420 E. 7th Street, Suite 100

Charlotte, NC 28204

Telephone: 980-334-2001

Facsimile: 704-375-8487

Email: felton.parrish@alexanderricks.com

Proposed Counsel to the Future Claimants' Representative

EXHIBIT 1
TO THE DECLARATION OF FELTON E. PARRISH

DMBP LLC

INTERESTED PARTIES

Debtor

DMBP LLC

Direct Equity Owner of Debtor

CertainTeed Holding Corporation

Debtor's Direct Non-Debtor Subsidiary

Millwork & Panel LLC

Other Non-Debtor Affiliates

Bayside Port Corporation, Inc.
Bird Incorporated
Carborundum Ceramic Holdings, Inc.
Carborundum Ventures, Inc.
CertainTeed Canada, Inc.
CertainTeed Ceilings Corporation
CertainTeed Gypsum and Ceiling Mfg., Inc.
CertainTeed Gypsum Mfg, Inc.
CertainTeed Gypsum NC, Inc.
CertainTeed Gypsum West Virginia, Inc.
CertainTeed Gypsum, Inc.
CertainTeed Holding Corporation
CertainTeed LLC
CertainTeed Gypsum and Ceilings USA, Inc.
Compagnie de Saint-Gobain
CT Solar Fund I LLC
CTKC Corporation
Fluorocarbon Components, Inc.
Grindwell Norton Ltd.
GS II, Inc.
HCS Corporation
Level Solar Fund IV LLC
MAG-ISOVER K.K.
New West Gypsum Recycling, Inc.
Norton Foreign Affiliates Holding Corporation
OFI GP Inc.
OFI L.P.
Ottawa Fibre GP Inc

Ottawa Fibre L.P.
P.T. Saint-Gobain Abrasives Indonesia
Phoenix Coating Resources, Inc.
Redcliff Fibre L.P.
Sage Electrochromics, Inc.
Saint-Gobain (SEA) PTE, Ltd
Saint-Gobain Abrasives, Inc.
Saint-Gobain Abrasives. Ltd.
Saint-Gobain Abrasivos S.A. de C.V.
Saint-Gobain Adfors America, Inc.
Saint-Gobain Advanced Ceramics, LLC
Saint-Gobain Building Distribution Ltd.
Saint-Gobain Canada, Inc.
Saint-Gobain Ceramic Materials Pvt. Ltd.
Saint-Gobain Ceramics & Plastics, Inc.
Saint-Gobain Corporation
Saint-Gobain Corporation Foundation
Saint-Gobain Delaware Corporation
Saint-Gobain Finance Corporation
Saint-Gobain Glass Corporation
Saint-Gobain HyComp LLC
Saint-Gobain India Foundation
Saint-Gobain India Pvt. Ltd.
Saint-Gobain Insurance Ltd.
Saint-Gobain Interior Building Distribution Company
Saint-Gobain KK
Saint-Gobain Materiaux de Construction S.A.S.
Saint-Gobain Merit, S.De R.L. De C.V.
Saint-Gobain Performance Plastics (Hangzhou) Co., Ltd.
Saint-Gobain Performance Plastics Corporation
Saint-Gobain Receivables Corporation
Saint-Gobain Research India Pvt. Ltd.
Saint-Gobain Shared Services Corporation
Saint-Gobain Solar Gard Australia Pty. Ltd.
Saint-Gobain Solar Gard, LLC
Saint-Gobain TM KK
Sepco Corporation
Societe de Participations Financieres et Industrielles
The Grid Company GP, Inc.
The Grid Company Limited Partnership

The Grid Company, LLC
Tillsonburg Fibre L.P.
Vertec SAS
Vetrotech Saint-Gobain North America,
Inc.
VIB L.P.
Western Mining and Minerals, Inc.
Zenpure Americas, Inc.
Zenpure Corporation
Z-Tech, LLC

Managers and Officers of the Debtor

D. Lawrence Rayburn
Donald J. Melroy
Joseph N. Bondi
Michael T. Starczewski
Robert J. Panaro
Sean R. Knapp
Vincent F. DiNenna, III

Major Current Business Affiliations of Debtor's Managers

Millwork & Panel LLC
Pennsylvania Association of Notaries
Royersford Outreach (d/b/a Open
Door Ministries)
Tampa Chapter of the American
Constitution Society
Vinyl Siding Institute

Depository and Disbursement Banks

Bank of America, N.A.
J.P. Morgan Chase

Parties to Material Contracts, Unexpired Leases and License Agreements with the Debtor

CertainTeed LLC
CT Corp.
PACE Claim Services
PrincetonClaims Services
Saint-Gobain Corporation
Saint-Gobain Shared Services Corporation

Significant Co-Defendants in Asbestos-Related Litigation

3M Company
A.O. Smith Corporation
Carborundum Company
CBS Corporation
Crane Company
Foster Wheeler Energy Corporation
General Electric Company
Honeywell International Inc.
Industrial Holdings Inc.
Ingersoll Rand Company
JM Manufacturing Company Inc.
Metropolitan Life Insurance Company
Union Carbide Corporation
Westinghouse Electric Corporation

Debtor's Retained Professionals and Claims Agent

Bates White LLC
Epiq Corporate Restructuring, LLC
Jones Day
Robinson, Bradshaw & Hinson, P.A.
Schiff Hardin LLP

Debtor's Significant Ordinary Course Professionals, Consultants and Service Providers

Caruso Smith Edell Picini P.C.
Cetrulo LLP
Darger Errante Yavitz & Blau LLP
DeHay & Elliston LLP
Dentons LLP
Deutsch Kerrigan LLP
Foley & Lardner LLP
Gordon Thomas Honeywell LLP
Harvey Kruse
Hawkins & Parnell
Heyl Royster
Kalinowski & Chaplinsky
Maron & Marvel
Miles & Stockbridge
Paine Tarwater Bickers & Tillman LLP
Polsinelli LLP
Swartz Campbell LLC

Vorys Sater Seymour & Pease LLP
Wilbraham Lawler & Buba
Wilson Elser Moskowitz Edelman &
Dicker LLP

**Known Professionals for Certain
Non-Debtor Parties in Interest**

Goodwin Procter LLP

Major Suppliers of Goods and Services

CertainTeed LLC
Saint-Gobain Corporation
Saint-Gobain Shared Services Corporation

**Law Firms with the Most Significant
Representation of Asbestos Claimants**

Baron & Budd, PC
Belluck & Fox, LLP
Brookman, Rosenberg, Brown & Sandler
Cooney & Conway, LLC
Early Lucarelli Sweeney
Flint Law Firm
George & Farinas, LLP
Goldberg, Persky & White, P.C.
Goldenberg Heller Antognoli &
Rowland, PC
The Gori Law Firm
James F. Humphreys & Associates L.C.
Kazan, McClain, Satterley &
Greenwood PLC
Kelley & Ferraro, LLP
Law Offices of Peter G. Angelos, PC
Maune Raichle Hartley French
& Mudd, LLC
Motley Rice, LLC
O'Brien Law Firm, PC
Richardson, Patrick, Westbrook
& Brickman, LLC
Shrader & Associates, L.P.

Simmons Hanly Conroy LLC
SWMW Law, LLC
The Ferraro Law Firm
The Law Offices of Peter T. Nicholl
Weitz & Luxenberg, PC
Wilentz, Goldman & Spitzer

**Committee of Asbestos Personal Injury
Claimants**

Cohen, Placitella & Roth, P.C.
Cooney & Conway
Goldberg Persky White, P.C.
Kazan, McClain, Satterly
& Greenwood PLC
Law Offices of Peter G. Angelos, P.C.
Maune Raichle Hartley French &
Mudd, LLC
Shrader & Associates, L.L.P.
SWMW Law, LLC
The Gori Law Firm
The Shepard Law Firm
Weitz & Luxenberg, P.C.

**Professionals to the Committee of
Asbestos Personal Injury Claimants**

Caplin & Drysdale, Chartered
Hamilton Stephens Steele + Martin, PLLC
Robinson & Cole, LLP
Winston & Strawn, LLP
FTI Consulting, Inc.

**Proposed Professional to the Committee of
Asbestos Personal Injury Claimants**

Legal Analysis Systems, Inc.

Major Sureties

Travelers Casualty and Surety Company
of America

**Employees of the Bankruptcy
Administrator's Office for the Western
District of North Carolina**

Alexandria Kenny
Anne Whitley
David Shepherd
Katrina Adams
Sarah Scholz
Shelley K. Abel

**Bankruptcy Judges for the Western
District of North Carolina**

Judge George Hodges (Charlotte)
Judge J. Craig Whitley (Charlotte)
Judge Laura T. Beyer (Charlotte)

EXHIBIT B

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

In re:

DBMP LLC,¹

Debtor.

Chapter 11

Case No. 20-30080 (JCW)

**EX PARTE ORDER AUTHORIZING SUBSTITUTION
OF ALEXANDER RICKS PLLC AS NORTH CAROLINA COUNSEL
FOR THE FUTURE CLAIMANTS' REPRESENTATIVE**

Upon the motion of Sander L. Esserman, the legal representative (the “Future Claimants’ Representative”) for future asbestos claimants (the “Future Claimants”) for the issuance and entry of an order to allow the substitution of Alexander Ricks PLLC (“Alexander Ricks”) as his North Carolina counsel in this bankruptcy case in the place, and instead of, Hull & Chandler, P.A. (“Hull & Chandler”) effective as of February 1, 2021; and upon the Declaration of Felton E. Parrish, a member of Alexander Ricks (the “Parrish Declaration”); and the Court being satisfied that (i) Alexander Ricks does not represent any interest adverse to the above-captioned debtor and debtor-in-possession (the “Debtor”) or its estate, (ii) Alexander Ricks is a “disinterested person” as that term is defined in section 101(14) of the Bankruptcy Code, and

¹ The last four digits of the Debtor’s taxpayer identification number are 8817. The Debtor’s address is 20 Moores Road, Malvern, Pennsylvania 19355.

(iii) the retention and employment of Alexander Ricks is necessary and would be in the best interests of the Debtor, its estate and creditors as well as in the best interest for the Future Claimants' Representative and of the Future Claimants; and after due deliberation and sufficient cause appearing therefor; it is hereby

ORDERED, that the Application is hereby granted and approved; and it is further

ORDERED, that in accordance with sections 105(a) and 524(g) of the Bankruptcy Code and Bankruptcy Rule 2014, the Future Claimants' Representative is authorized and empowered to retain and employ Alexander Ricks as North Carolina counsel to represent him in this case effective as of February 1, 2021; and it is further

ORDERED, that Alexander Ricks shall be compensated in such amounts as may be allowed by this Court upon the filing of appropriate applications for allowance of interim or final compensation in accordance with the procedures set forth in sections 330 and 331 of the Bankruptcy Code, the Bankruptcy Rules, the *Amended Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Retained Professionals* [Docket No. 402] (the "Interim Compensation Order"), and any further order entered by this Court establishing procedures for interim compensation and reimbursement of expenses of professionals; and it is further,

ORDERED, that the notice provision for the Future Claimants' Representative set forth in section 3(a)(vi)(B) of the Interim Compensation Order shall be amended to delete the reference to Hull and Chandler and instead provide for notice to Alexander Ricks PLLC, 1420 E. 7th Street, Suite 100, Charlotte, NC 28204 (Attn: Felton E. Parrish, felton.parrish@alexanderricks.com).

ORDERED, that pursuant to Local Rule 9013-1(f), any party shall be entitled to request a hearing or request that the Court reconsider entry of this Order by filing a motion for reconsideration within fourteen (14) days of service 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