

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

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In re:	:	Chapter 11
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RED RIVER TALC LLC, <sup>1</sup>	:	Case No. 24-90505 (CML)
	:	
Debtor.	:	
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	:	
RED RIVER TALC LLC,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Adv. Pro. No. 24-03194 (CML)
	:	
THOSE PARTIES LISTED ON	:	
APPENDIX A TO COMPLAINT	:	
and JOHN AND JANE DOES 1-1000,	:	
	:	
Defendants.	:	

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**STIPULATION AND AGREED ORDER FURTHER STAYING FOR  
ADMINISTRATIVE PURPOSES DEBTOR TALC CLAIMS FOR THIRTY DAYS**

(Relates to Adversary Proceeding Docket Nos. 1, 2)

The above-captioned debtor (the “Debtor”) and the Coalition of Counsel for Justice for Talc Claimants (the “Coalition” and, together with the Debtor, the “Parties”), by and through their respective undersigned counsel, hereby enter into this stipulation and agreed order (this “Order”) as follows:

**RECITALS**

WHEREAS, on September 21, 2024, the Debtor: (a) initiated the above-captioned adversary proceeding by filing the *Debtor’s Complaint for Declaratory and Injunctive*

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<sup>1</sup> The last four digits of the Debtor’s taxpayer identification number are 8508. The Debtor’s address is 501 George Street, New Brunswick, New Jersey 08933.

*Relief (I) Declaring That the Automatic Stay Applies to Certain Actions Against Non-Debtors, (II) Preliminarily Enjoining Such Actions and (III) Granting a Temporary Restraining Order Pending a Final Hearing [Dkt. 1] (the “Complaint”);<sup>2</sup> and (b) filed the Debtor’s Emergency Motion for (I) an Order (A) Declaring that the Automatic Stay Applies to Certain Actions Against Non-Debtors or (B) Preliminarily Enjoining Such Actions and (II) a Temporary Restraining Order Pending a Final Hearing [Dkt. 2] (the “Motion”);*

WHEREAS, by the Complaint and the Motion, the Debtor requested that the Court stay or preliminarily enjoin all actions asserting Debtor Talc Claims against the Protected Parties, as such terms were defined in the Motion;

WHEREAS, on September 23, 2024, the Coalition filed the *Objection of Coalition of Counsel for Justice for Talc Claimants to Debtor’s Emergency Motion [Ad. Pro. Dkt. No. 2] for (I) An Order (A) Declaring that the Automatic Stay Applies to Certain Actions Against Non- Debtors or (B) Preliminarily Enjoining Such Actions and (II) A Temporary Restraining Order Pending a Final Hearing [Dkt. 10];*

WHEREAS, on September 23, 2024, the Bankruptcy Court entered the *Temporary Order (A) Declaring that the Automatic Stay Applies to Certain Claims and Causes of Action Asserted Against Certain Non-Debtors and (B) Extending the Automatic Stay to Certain Non-Debtors [Dkt. 17] (the “Administrative Order”)* staying all actions asserting Debtor Talc Claims against the Protected Parties, as such terms were defined therein, through October 11, 2024;

WHEREAS, on October 24, 2024, following the expiration of the Administrative Order and a hearing that occurred on October 21, 2024, the Bankruptcy Court entered the *Order*

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<sup>2</sup> Capitalized terms used but not defined herein have the meanings given to them in the Complaint.

*Determining that the Automatic Stay Applies and Extends to Certain Non-Debtors* [Dkt. 57] (the “First Stay Order”), staying the assertion of Debtor Talc Claims against the Protected Parties, as such terms were defined in the First Stay Order, through December 2, 2024;

WHEREAS, on November 7, 2024, the Coalition filed a *Notice of Appeal* [Dkt. 70] of the First Stay Order, which appeal was docketed with the United States District Court for the Southern District of Texas (the “District Court”) at Docket Number 24-cv-04450 (the “First Stay Appeal”);

WHEREAS, on December 5, 2024, the Bankruptcy Court entered the *Second Order Determining that the Automatic Stay Applies and Extends to Certain Non-Debtors* [Dkt. 113] (the “Second Stay Order”), extending the stay of the Debtor Talc Claims against the Protected Parties, as such terms were defined in the Second Stay Order, through and including March 15, 2025;

WHEREAS, on December 19, 2024, the Coalition filed a *Notice of Appeal* [Dkt. 117] of the Second Stay Order, which appeal was docketed with the District Court at Docket Number 24-cv-05074 (together with the First Stay Appeal, the “Appeals”);

WHEREAS, from February 18 through February 28, 2025, the Bankruptcy Court held a consolidated hearing (the “Consolidated Hearing”) on various matters, including (i) the Debtor’s request for confirmation of its prepackaged plan of reorganization and (ii) the Coalition’s request for dismissal of the Chapter 11 Case; and

WHEREAS, the Parties have conferred regarding the expiration of the Second Stay Order on March 15, 2025, and have agreed that it is appropriate for administrative purposes to enable the Court to decide the motions that are the subject of the Consolidated Hearing without diverting attention and resources to adjudicating ancillary issues, to stipulate to a further

stay of the Debtor Talc Claims against the Protected Parties, as such terms were defined in the Second Stay Order, for a period of 30 days beginning immediately upon the expiration of the Second Stay Order and continuing through and including April 14, 2025, subject to the following express conditions: (1) the Parties' agreement to this Order is not, and shall not be deemed to be, an acknowledgement (a) by the Coalition that any extension of the automatic stay to the Protected Parties is lawful, warranted and/or appropriate and does not result in irreparable harm to claimants, and (b) by the Debtor that the duration and scope of the stay, including in terms of the number and identity of Protected Parties, should be limited to that provided for in this Order; and (2) the Parties' agreement to this Order is not, and shall not be deemed to be, a waiver of any and all of their respective rights, claims, defenses or arguments, including with respect to the Appeals, all of which are hereby reserved.

**IT IS NOW AND HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the Parties based on the conditions described above, and IT IS ORDERED:**<sup>3</sup>

1. Beginning immediately upon expiration of the Second Stay Order, for a period of 30 days through and including **April 14, 2025**, the Defendants are stayed from commencing or continuing to prosecute any Debtor Talc Claim against any of the Protected Parties on any theory of liability, whether direct, derivative, joint and several, successor liability, vicarious liability, fraudulent or voidable transfer or conveyance, alter ego or otherwise.

The activities temporarily prohibited and enjoined by this Order include, without limitation:

(a) the pursuit of discovery from the Protected Parties or their officers, directors, employees or agents; (b) the enforcement of any discovery order against the Protected Parties; (c) further

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<sup>3</sup> Capitalized terms used but not defined herein have the meanings given to them in the Second Stay Order.

motions practice related to the foregoing; and (d) any collection activity on account of a Debtor Talc Claim against any Protected Party or its officers, directors, employees or agents or its respective assets.

2. For the avoidance of doubt, (a) the relief ordered herein shall apply to all claims asserted in the Pending Actions identified in Appendix A to the Second Stay Order, regardless of whether any such Pending Action has been removed, remanded, transferred, dismissed and refiled under a different case number or is on appeal; and (b) the relief ordered herein shall not apply to Kenvue, Inc. or its subsidiaries. For the further avoidance of doubt, and notwithstanding anything to the contrary in this Order, the stay imposed by this Order is intended to apply to all activity in the Pending Actions, whether offensive or defensive, including the pending motion to disqualify, and to remove from the Executive Committee, the Beasley Allen firm in the federal multidistrict litigation (the “MDL”).

3. By agreeing to this Order with the Debtor, the Coalition does not concede that this Court has jurisdiction, authority or a basis to stay or enjoin Debtor Talc Claims against the Protected Parties. Nothing herein shall constitute a waiver of jurisdiction or any other arguments or defenses the Coalition may have in that regard. Nothing herein affects the rights of the Coalition, the Debtor or the Defendants in respect of the Motion, the Complaint or the Appeals, all of which rights are fully preserved.

4. This Order is entered without prejudice to the Debtor’s right to request that this Court extend this Order to include other entities, persons and actions not previously identified in Appendix A or Appendix B to the Second Stay Order. For the avoidance of doubt, the inclusion of a talc-related claim on Appendix A to the Second Stay Order is not an admission

that such Defendant holds a currently pending claim against either the Debtor or the Protected Parties.

5. Any party subject to this Order may seek relief from any of the provisions of this Order for cause shown. This Order is without prejudice to the Debtor's or others' rights to seek relief pursuant to section 362 of the Bankruptcy Code.

6. Notwithstanding anything to the contrary in this Order, any party asserting Debtor Talc Claims may, without leave of the Court, take reasonable steps to preserve the testimony of any person subject to this Order who is not expected to survive the duration of this Order or who otherwise is expected to be unable to provide testimony if it is not preserved during the duration of this Order. Notice shall be provided to the Debtor by notifying counsel for the Debtor of the perpetuation of such testimony, and the parties shall agree on a mutually convenient date as soon as possible after such notice. The Debtor shall have the right to object to the notice on any grounds it would have had if it were a party to the underlying proceeding and not subject to the terms of this Order, and the Debtor may raise any such objection with this Court. The use of such testimony in any appropriate jurisdiction shall be subject to the applicable procedural and evidentiary rules of such jurisdiction. All parties reserve and do not waive any and all objections with respect to such testimony. Defendants or other individuals asserting Debtor Talc Claims may not seek to perpetuate the testimony of representatives, including directors, officers, employees and agents, of the Debtor or the Protected Parties without the consent of the Debtor or an order of the Court. Notwithstanding the foregoing, parties in lawsuits pending in the MDL who wish to preserve the testimony of any person subject to this Order who is not expected to survive the duration of this Order or who otherwise is expected to be unable to provide testimony if it is not preserved during the duration of this Order

shall comply with the process outlined in the In Extremis Deposition Protocol entered on January 23, 2017 in the MDL.

7. This Order shall be immediately effective and enforceable upon its entry.

8. This Order shall toll any applicable non-bankruptcy law, any order entered in a non-bankruptcy proceeding or any agreement that fixes a period under which an enjoined Defendant is required to commence or continue a civil action in a court other than this Court on any Debtor Talc Claim asserted against the Debtor or any of the Protected Parties until the later of: (a) the end of such period, including any suspension of such period occurring on or after the commencement of the case; or (b) 30 days after the termination or expiration of this Order.

9. The deadline to file any answer or other response to the Complaint continues to be tolled indefinitely subject to a further order of this Court.

10. The Debtor shall cause a copy of this Order to be served via e-mail, facsimile, hand delivery or overnight carrier on counsel for the known Defendants within three business days of its entry on the Court's docket.

11. The Debtor is authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Motion.

12. This Court retains exclusive jurisdiction over this Order and any and all matters arising from or relating to the implementation, interpretation or enforcement of this Order.

Dated: \_\_\_\_\_, 2025  
Houston, Texas

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CHRISTOPHER M. LOPEZ  
UNITED STATES BANKRUPTCY JUDGE

AGREED AND CONSENTED TO BY:

/s/ Gregory M. Gordon

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