



FILED & JUDGMENT ENTERED  
Christine F. Winchester  
June 20 2025  
Clerk, U.S. Bankruptcy Court  
Western District of North Carolina

Ashley Austin Edwards  
United States Bankruptcy Judge

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

In re:

DBMP LLC,<sup>1</sup>

Debtor.

Case No. 20-30080  
Chapter 11

OFFICIAL COMMITTEE OF ASBESTOS  
PERSONAL INJURY CLAIMANTS, and  
SANDER L. ESSERMAN, in his capacity as  
Legal Representative for Future Asbestos  
Claimants,

Plaintiffs,

Adv. Pro. No. 21-03023 (AAE)

v.

DBMP LLC and CERTAINTEED LLC,

Defendants.

OFFICIAL COMMITTEE OF ASBESTOS  
PERSONAL INJURY CLAIMANTS, and  
SANDER L. ESSERMAN, in his capacity as  
Legal Representative for Future Asbestos  
Claimants, each on behalf of the estate of  
DBMP LLC,

Adv. Pro. No. 22-03000 (AAE)

<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.

Plaintiffs,

v.

CERTAINTEED LLC, CERTAINTEED HOLDING CORPORATION, and SAINT-GOBAIN CORPORATION,

Defendants.

OFFICIAL COMMITTEE OF ASBESTOS PERSONAL INJURY CLAIMANTS, and SANDER L. ESSERMAN, in his capacity as Legal Representative for Future Asbestos Claimants, each on behalf of the estate of DBMP LLC,

Plaintiffs,

v.

COMPAGNIE DE SAINT-GOBAIN S.A., SAINT-GOBAIN CORPORATION, SAINT-GOBAIN DELAWARE CORPORATION, CERTAINTEED LLC, CERTAINTEED HOLDING CORPORATION, JOSEPH BONDI, SEAN KNAPP, LAWRENCE RAYBURN, MICHAEL STARCZEWSKI, VINCENT DINENNA, ROBERT PANARO, DONALD MELROY, PIERRE-ANDRÉ DE CHALENDAR, BENOIT BAZIN, ANTOINE VIGNIAL, HUBERT REICHARDT, DANIEL BIARNEIX, SREEDHAR NATARAJAN, GUILLAUME TEXIER, THOMAS KINISKY, CAROL GRAY, JOHN SWEENEY, ERIC PLACIDET, MARK RAYFIELD, and KEITH CAMPBELL,

Defendants.

Adv. Pro. No. 22-03001 (AAE)

**SECOND AMENDED ORDER APPOINTING DISCOVERY REFEREE AND ESTABLISHING PROTOCOL FOR RESOLUTION OF CRIME-FRAUD/WAIVER MOTION**

**THIS MATTER** is before the Court upon the *Order Appointing Discovery Referee and Establishing Protocol for Resolution of Crime-Fraud/Waiver Motion* (the “Original Appointment Order”), [D.I. 2290], and the *Amended Order Appointing Discovery Referee and Establishing Protocol for Resolution of Crime-Fraud/Waiver Motion* (the “Amended Appointment Order,” and collectively with the Original Appointment Order, the “Appointment Orders”). [D.I. 3133]. Paragraph 11 of the Amended Appointment Order provided, “The Parties shall confer on appropriate deadlines to file objections and responses to the final report and recommendation, as well as page limitations thereto, if any, and shall submit proposed deadlines and page limitations, if any, to the Court by **June 18, 2025**[.]” The “Parties” were collectively defined as the Official Committee of Asbestos Personal Injury Claimants, the Future Claimants’ Representative, and the Debtor. On June 18, 2025, counsel for the Debtor and counsel for the Official Committee of Asbestos Personal Injury Claimants emailed the Court with the Parties’ separate proposals for proposed deadlines and page limitations, pursuant to paragraph 11 of the Amended Appointment Order. Having considered the requests set forth by the Parties, the Court **ORDERS** that the Appointment Orders shall be amended as set forth below:

1. The Parties shall submit “opening briefs” to the Court addressing any issues raised in the *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* (the “Motion”), [D.I. 1006], the *Discovery Referee Report and Recommendation No. 1* (the “First Discovery Referee Report”), [D.I. 2706], and the *Discovery Referee Final Report and Recommendations Concerning Privilege Log Documents, Attorney-Client Privilege, Alleged Waiver and Crmie/Fraud [sic] Exception to the Privilege* (the “Final

Discovery Referee Report,” and collectively with the First Discovery Referee Report, the “Discovery Referee Reports”), [D.I. 3139], by **July 25, 2025**;

2. The Parties may file “reply briefs” in response to the opening briefs by **September 5, 2025**;
3. Neither the opening briefs nor reply briefs shall exceed 60 pages in length, subject to the following limitations: (a) upon request, the Court may extend the page limit for any brief; (b) the Parties may mutually agree to extend the page limit for any brief; and (c) there shall be no page limit for any exhibits or appendices to the briefs addressing specific recommendations contained within the appendices to the Discovery Referee Reports;
4. The Court shall conduct a hearing on the Motion on **September 24, 2025, at 9:30 a.m.**, in the Charles R. Jonas Federal Building, 401 West Trade Street, Courtroom 2B, Charlotte, North Carolina 28202 (the “Hearing”);
5. The Court may recommence the Hearing on **September 25, 2025, at 9:30 a.m.**, if necessary;
6. Except as provided herein, the Appointment Orders shall remain in full force and effect; and
7. This Court shall retain jurisdiction over any and all matters arising from or related to the implementation and interpretation of this order.

**IT IS SO ORDERED.**

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

**United States Bankruptcy Court**