

MEALEY'S™

Asbestos Bankruptcy Report

Where Are They Now, Part Four: A Continuing History Of The Companies That Have Sought Bankruptcy Protection Due To Asbestos Claims

by
Mark D. Plevin, Esq.
Paul W. Kalish, Esq.
and
Kelly R. Cusick, Esq.

Crowell & Moring LLP
Washington, D.C.

**A commentary article
reprinted from the
February 2007 issue of
Mealey's Asbestos
Bankruptcy Report**



Commentary

Where Are They Now, Part Four: A Continuing History Of The Companies That Have Sought Bankruptcy Protection Due To Asbestos Claims

By Mark D. Plevin
Paul W. Kalish
and
Kelly R. Cusick

[Editor's Note: Mr. Plevin and Mr. Kalish are partners at Crowell & Moring LLP in Washington, D.C. Mr. Plevin practices in the bankruptcy, litigation, and insurance coverage areas. He has represented insurers in asbestos, silica, and other mass tort bankruptcy cases, including some of the cases mentioned below, and in coverage cases involving asbestos defendants. Mr. Kalish practices in the litigation and insurance coverage areas, where he too has represented insurers in asbestos and mass tort coverage litigation; he also represents asbestos defendants as national coordinating counsel. Together, they represent the Coalition for Litigation Justice, Inc., a group formed by property and casualty insurers to advance education and public awareness about asbestos and silica litigation. Ms. Cusick is an associate at Crowell & Moring LLP practicing in the bankruptcy and litigation areas. The views expressed here are not necessarily the views or positions of their clients. Copyright 2007 by Mark D. Plevin, Paul W. Kalish, and Kelly R. Cusick. Replies to this commentary are welcome.]

In 2001, we published in these pages what we described then as “a (hopefully) comprehensive chronology of the asbestos-related bankruptcies and a brief summary of the status of the more prominent filings.”¹ The following year, in an attempt to keep current, we published an update in these pages listing new asbestos-related bankruptcies.² Last year, we published a further update of recently filed asbestos-related bankruptcies, noting that the pace of asbestos bankruptcy filings had slowed.³

Since then, the pace of new asbestos-related bankruptcy filings has continued to be slow. Only a hand-

ful of new asbestos-related bankruptcy cases have been filed since our 2005 article. A large number of companies have exited asbestos-related bankruptcies, however, resulting in an unprecedented increase in available § 524(g) trust funds. At least eight plans of reorganization establishing § 524(g) asbestos trusts have been confirmed in the past year. Over the next 18 months, these newly confirmed asbestos trusts will be able to begin distributing upwards of \$30 billion in assets to asbestos claimants.⁴

This article updates our last three by noting the asbestos-related bankruptcies that have been filed since our 2005 article and summarizing some key developments in asbestos bankruptcies. At the end of the article, we present updated versions of three charts appended to our last article: one listing asbestos bankruptcies that have been filed so far, in chronological order; one providing the same information, with the debtors listed in alphabetical order; and a third listing the case numbers of asbestos bankruptcies, the status of the plans in those cases, and the published decisions that have arisen from those cases. We have been keeping these charts updated in real time on our web site, accessible at www.crowell.com/bankruptcy, and it is our intent to continue to keep these charts up-to-date on our web site as a resource available to those interested in this field.⁵

1. Who Filed The Most Recent Asbestos Bankruptcies?

Brauer Supply. Brauer Supply Company, a distribution company that sold insulation material containing

asbestos through the 1960s, filed for bankruptcy in the U.S. Bankruptcy Court for the Eastern District of Missouri on August 22, 2005.⁶ Brauer said it could no longer manage its asbestos liability.⁷ Although the majority of the 4,000 asbestos suits filed against Brauer had been resolved as of the commencement of the case, Brauer feared that its insurance would not be sufficient to enable it to resolve all future asbestos claims, and so it sought bankruptcy protection.⁸ The bankruptcy court recommended confirmation of Brauer's amended plan of reorganization to the district court on December 8, 2006.⁹ The district court has not yet ruled on confirmation.

The plan approved by the bankruptcy court establishes a § 524(g) trust to resolve all present and future asbestos liability.¹⁰ The trust will be funded by a \$250,000 cash contribution from Brauer Supply, a \$750,000 promissory note secured by 100% of the shares of the reorganized Brauer Supply, and insurance proceeds.¹¹

Dana Corp. Dana Corporation, an automotive part supplier, and certain of its affiliates filed for bankruptcy protection on March 31, 2006 in the U.S. Bankruptcy Court for the Southern District of New York. Dana's filing was apparently due to financial strains other than asbestos liability.¹² Although omitting any discussion of asbestos liability in its initial bankruptcy filings, Dana disclosed a total of 88,000 active pending asbestos-related product liability claims in its September 30, 2005 Form 10-Q.¹³

Early in the case, the bankruptcy court denied a motion filed by counsel for certain asbestos claimants seeking the appointment of an official committee of asbestos claimants. The court found that Dana's asbestos liability totals only 3% of its unsecured debt.¹⁴ Moreover, Dana had apparently "affirmatively stated that there was no present intention to seek a channeling injunction for asbestos claims under § 524(g) of the Bankruptcy Code."¹⁵ The court, however, authorized the Creditors' Committee and Equity Committee to retain asbestos-claims evaluation consultants to aid them in determining the validity and accuracy of Dana's estimation of asbestos liability.¹⁶

Dana has not yet filed a proposed plan, nor has it stated what treatment any plan will provide for asbestos claims. Its exclusive period to file a plan was extended by court order until September 3, 2007.¹⁷

ABB Lummus Global Inc. On April 21, 2006, ABB Lummus Global Inc., a subsidiary of ABB Holdings, filed a pre-packaged bankruptcy in the U.S. Bankruptcy Court for the District of Delaware.¹⁸ With 11,011 asbestos claims pending against it, Lummus had attempted to obtain a § 524(g) channeling injunction through the previously-filed bankruptcy of its affiliate, Combustion Engineering ("CE").¹⁹ CE filed a pre-packaged bankruptcy in 2003 that sought to resolve the asbestos liability of CE, Lummus, and another ABB affiliate, Basic Inc.²⁰ The U.S. Court of Appeals for the Third Circuit held, however, that the CE plan of reorganization could not provide Lummus or Basic with a § 524(g) channeling injunction discharging their independent asbestos liabilities.²¹ As a result, Lummus filed a pre-packaged bankruptcy to address its own asbestos-related personal injury liabilities.²²

Under the Lummus plan, the trust is funded in part with a \$33 million Lummus note secured by 51% of the capital stock of Lummus.²³ The pre-packaged plan of reorganization was confirmed by the bankruptcy court on June 29, 2006,²⁴ and the confirmation order was affirmed by the district court on July 21, 2006.²⁵

Lloyd E. Mitchell Inc. On June 6, 2006, Mitchell, a former mechanical contracting company which ceased doing business in the 1970s, filed for bankruptcy relief in the U.S. Bankruptcy Court for the District of Maryland to address its asbestos liability.²⁶ At the time of the filing, 19,450 asbestos claims were pending against it.²⁷

Shortly before commencing the bankruptcy case, Mitchell had entered into a settlement agreement with one of its insurers, Maryland Casualty Company, pursuant to which Mitchell and Maryland Casualty resolved disputes over coverage for asbestos claims against Mitchell, subject to future bankruptcy court approval.²⁸ Within days after Mitchell filed its bankruptcy, an "ad hoc committee" of persons asserting asbestos claims against Mitchell moved to dismiss the bankruptcy case, alleging that the case was filed in bad faith because the settlement was not reasonable and Mitchell is not an ongoing business and therefore cannot reorganize.²⁹ When Mitchell later filed a motion seeking approval of its pre-petition settlement agreement with Maryland Casualty,³⁰ the ad hoc committee objected.³¹ Subsequently, an official committee

of asbestos claimants was appointed and substituted in for the ad hoc committee on both the motion to dismiss and the objection to the settlement.³²

Some months after discovery had commenced on these motions, but before the bankruptcy court conducted hearings on them, Mitchell filed a notice withdrawing, "with prejudice," its motion seeking approval of the settlement agreement.³³ Moments later, the official committee of asbestos claimants withdrew its motion to dismiss the Chapter 11 case.³⁴

Mitchell has not yet filed any plan of reorganization. Its exclusive period to file a plan has been extended to April 2, 2007.³⁵

Affiliates of Asarco. On December 12, 2006, three wholly-owned subsidiaries of Asarco, Inc., which had itself filed for bankruptcy protection in 2005 (along with certain other affiliates including Lake Asbestos of Quebec, Ltd.),³⁶ filed Chapter 11 cases in the U.S. Bankruptcy Court for the Southern District of Texas. These three new debtors — AR Sacaton LLC, Southern Peru Holdings, LLC, and Asarco Exploration Company — said they filed for bankruptcy to enable a complete resolution of Asarco's asbestos and environmental liability.³⁷

2. What Explains The Slow-Down In Asbestos Bankruptcy Filings?

As noted above, the rush of asbestos bankruptcies during 2000-2004 slowed to a relative trickle in 2005 and 2006. While no one can be sure why fewer companies are attempting to make use of § 524(g), there are a few explanations that seem likely to us. Taken individually or together, these factors suggest that the slow-down in asbestos bankruptcies seems likely to continue in the future.

a. Combustion Engineering

Before the Third Circuit's December 2, 2004 decision in *In re Combustion Engineering*,³⁸ several "pre-packaged" asbestos bankruptcies had been filed using the "two-trust" model utilized by Combustion Engineering. Under that model, a prospective debtor establishes a pre-petition trust to resolve a majority of pending claims, transferring a large portion of its assets to the trust pre-petition, and then, following plan confirmation, establishes a separate § 524(g) trust to pay both current claims that were not settled pre-peti-

tion and future claims.³⁹ But the Third Circuit held that such bankruptcies were problematic, discouraging their further use. Since the Third Circuit decision, no "two-trust" pre-packaged bankruptcies have been filed. And one that had been announced shortly before *Combustion Engineering* was later abandoned in its wake.⁴⁰ The practical difficulties involved in structuring a viable asbestos pre-pack following *Combustion Engineering* likely has discouraged the filing of similar plans.⁴¹

A separate portion of the Third Circuit's decision in *Combustion Engineering*, addressing whether non-debtors can obtain § 524(g) channeling injunction protection for their own liabilities, has also likely acted to discourage asbestos bankruptcy filings. Prior to *Combustion Engineering*, there was much talk about so-called "bolt on" plans, under which a non-debtor would propose to contribute to the § 524(g) asbestos trust of another company (sometimes a non-operating subsidiary, sometimes a completely unrelated company) in hopes of gaining protection from its own asbestos liabilities without having to commence its own bankruptcy case. As noted above in connection with our discussion of the *ABB Lummus* case, the Third Circuit held in *Combustion Engineering* that Combustion Engineering's non-debtor affiliates Lummus and Basic could not use Combustion Engineering's § 524(g) trust to gain channeling injunction protection for their own non-derivative asbestos liabilities. Late last year, the bankruptcy court in *Pittsburgh Corning* denied confirmation of a plan that similarly sought to extend § 524(g) protection to a non-debtor for its own non-derivative asbestos liabilities.⁴² Similar issues are pending in other cases, including *Federal-Mogul*, where several non-debtors not currently affiliated with any of the debtors are seeking § 524(g) protection. (The non-debtors in *Federal-Mogul* are likely to assert that *Combustion Engineering* and *Pittsburgh Corning* are distinguishable because, unlike those cases, in *Federal-Mogul* the liabilities at issue are allegedly essentially shared with the debtors as a result of indemnification obligations.) The fact that "bolt on" protection may be unavailable for non-debtors could also be a contributing factor to the decreasing rate of asbestos bankruptcies.

b. Congoleum

This case, filed December 31, 2003 as a pre-pack based on the *Combustion Engineering* two-trust

model, has shown how a bankruptcy case designed to be quick and painless can prove to be anything but. When Congoleum, a floor tile manufacturer, commenced its bankruptcy case, it expected to be out of bankruptcy quickly. But more than three years later, Congoleum remains in bankruptcy, with the eventual outcome of the case highly uncertain at this time. One likely explanatory factor is that the bankruptcy court, the district court, and the circuit court have all held that Congoleum's insurers, who asserted that they were improperly being forced to fund payments under the plan in violation of the terms of their insurance contracts, have broad standing to object to the various proposed plans and to be heard on other issues because (i) Congoleum is seeking to rely in large part on the insurers' policies to fund its plans and (ii) the bankruptcy court has an independent duty to review the sufficiency of a plan and the process leading up to it, and the insurers were the only parties at that point raising arguments concerning the plan that would assist the court.⁴³ The insurers' participation in various legal issues in the case has, among other things, cast enough doubt on the viability of the settlement embodied in debtor's various plans that the bankruptcy court lifted the debtor's exclusivity,⁴⁴ resulting in the filing of an insurer-sponsored plan competing with Congoleum's own plans.⁴⁵ Congoleum recently filed its eleventh amended plan,⁴⁶ and the bankruptcy court stayed all further filings in the case⁴⁷ while it considered motions for summary judgment that the tenth amended plan is unconfirmable as a matter of law.⁴⁸

On February 1, 2007, things went from bad to worse for Congoleum, when the bankruptcy court issued an opinion holding that the debtor's tenth amended plan "is not confirmable as a matter of law."⁴⁹ The court held, *inter alia*, that the insurers have standing to object to plan confirmation because the plan continues to rely in large part on insurance proceeds for funding, that the proposed contribution to the § 524(g) trust by Congoleum's parent does not satisfy the "fair and equitable" requirements of § 524(g), and that the plan's classification of asbestos claimants in four separate classes, reflecting (in part) the fact that some asbestos claims were purportedly secured as a part of the pre-petition settlements leading up to the filing of the bankruptcy case, did not comply with the requirements of the Code.⁵⁰ In a separate ruling, the court held that the insurers who submitted their own

plan had the right to do so, and refused the debtor's request to reinstate exclusivity, stating: "this court's ruling on summary judgment on the [tenth plan] clearly indicates that the court believes the Debtors' chosen path is a dead end."⁵¹ This case demonstrates a risk facing all debtors — that once a company files for bankruptcy, even a pre-pack, it may lose control of its case and its business destiny.

c. Bankruptcy Law Changes

For cases filed in 2000-2004, repeated extensions of the debtor's exclusive right to file a plan of reorganization were commonplace.⁵² This allowed asbestos debtors to preclude asbestos claimants, insurers, or others from seeking judicial approval of plans of reorganization that the debtors did not support. Having the exclusive ability to file a plan could be particularly important, given the provisions of § 524(g) requiring that more than 50% of equity be made available to an asbestos trust,⁵³ in cases where a parent company wished to retain its ownership rights in a subsidiary burdened with asbestos claims but otherwise thriving. For cases commenced after October 17, 2005, however, Section 1121 of the Bankruptcy Code was modified to restrict extensions of a debtor's exclusive right to file a plan of reorganization to a total of 18 months, on top of the 120 days ordinarily provided by statute.⁵⁴ What this means is that a new asbestos debtor has a much greater risk of losing exclusivity than a debtor whose case was filed before October 17, 2005. It is likely that corporate managers who have other options for dealing with their asbestos claims besides commencing a bankruptcy are loath to risk losing control of the case due to their exclusive periods running out.

d. Cases Remaining In Bankruptcy For Prolonged Periods

Although, as discussed below, some companies with long pending bankruptcy cases have recently confirmed plans and emerged from bankruptcy (*e.g.*, Babcock & Wilcox, Owens Corning, Armstrong), others remain mired in bankruptcy with no particular end in sight (*e.g.*, WR Grace, G-1). Many of these long-pending bankruptcy cases involve situations where the debtor contested, or is presently contesting, the amount of its alleged asbestos liabilities, because the debtor's owner wanted to retain all or most of its shareholder equity. Even so, long, drawn-out cases would not appear to serve the purpose of corporate

managers, whose ability to run their businesses effectively may be constrained by, among other things, the need for bankruptcy court approval of all transactions outside the ordinary course of business and the necessity of treating creditors (including asbestos claimants) as virtual business partners. In addition, it may be difficult for a company mired in bankruptcy to keep top talent, particularly given recent bankruptcy law changes limiting bonuses and other inducements.⁵⁵ Finally, long bankruptcy cases are expensive because they require debtors to fund large administrative expense payments to counsel, experts, and consultants for the debtor, any official committees, and the future claims representative. Claimants and their counsel may have their own reasons for wishing to avoid drawn-out bankruptcy cases: because of the automatic stay, the flow of settlements (and attendant contingent fees) is cut off while the bankruptcy is pending.⁵⁶ The fact that many previous asbestos bankruptcies have taken five years or longer to resolve is therefore likely a disincentive to other filings.

e. Litigation Reform

Simply stated, reforms in many states have resulted in a lessening of pressure on many companies, thereby reducing or eliminating their need for the sort of immediate relief a bankruptcy filing can provide. These reforms include increasing use of "deferred dockets" or "pleural registries,"⁵⁷ prohibitions on large consolidations,⁵⁸ venue reform,⁵⁹ and changes in medical criteria standards.⁶⁰

f. The Focus On Litigation Screenings

The decision by U.S. District Judge Janis Jack concerning the use of mass screenings in connection with silica claims⁶¹ has impacted the asbestos area as well, given that similar techniques were reportedly widely used in the recruitment of asbestos claimants.⁶² A desire to avoid having such techniques subjected to scrutiny in bankruptcy courts may be another reason why asbestos claimants are not clamoring for bankruptcy solutions. As with litigation reform, the reduced number of new claims being filed may have lessened the pressure on companies from asbestos claims and the concomitant need for bankruptcy relief as a means of resolving those claims.

g. The FAIR Act

For several years, some have suggested that potential asbestos debtors were not filing cases because they

believed they might fare better under the legislative reforms proposed in the Fairness in Asbestos Injury Resolution Act of 2005, or FAIR Act.⁶³ Supposedly, companies were comparing the known risks and costs of a bankruptcy filing under § 524(g) against the chance that they would keep more of their cash and equity, but still be freed from asbestos liabilities, if the FAIR Act became law. The FAIR Act still has not been enacted into law, however, and its current prospects are unclear, particularly since its champion, Sen. Arlen Specter (R.-Pa.), is no longer chairing the Senate Judiciary Committee. Thus, while this may have been a factor discouraging asbestos bankruptcy filings in past years, the prospect of federal reform legislation may no longer continue to have a dampening effect. For the reasons stated above, however, there are several other reasons to believe that the number of asbestos bankruptcies filings may not substantially increase in the near future.

Notwithstanding the foregoing, § 524(g) remains an alternative available to a company wishing to resolve its asbestos liabilities for all time in a comprehensive way. Thus, some companies facing difficult circumstances may still view a § 524(g) bankruptcy case as their best option, or certain asbestos claimants' counsel may view bankruptcy as the best available means of furthering their and/or their clients' interests.

3. A New Development: Debtors Emerging From Asbestos-Related Bankruptcies

A striking development during 2006 was the large number of asbestos bankruptcies that were resolved through the confirmation of plans of reorganization. As these former asbestos debtors emerge from bankruptcy, billions of dollars in assets are being released to § 524(g) trusts established pursuant to their plans for the resolution of asbestos claims pursuant to trust distribution procedures. Never before has such a large influx of funds hit the system.

Following, in alphabetical order, is a brief listing of the most significant plan confirmations during 2006.

Armstrong World Industries. On October 2, 2006, almost six years after it filed for bankruptcy protection in the U.S. Bankruptcy Court for the District of Delaware, Armstrong emerged from bankruptcy following its second attempt at plan confirmation.⁶⁴ The plan originally recommended for confirmation

by the bankruptcy court was rejected by the district court and the Third Circuit because it violated the absolute priority rule since, under the plan, the asbestos personal-injury claimants had agreed to surrender certain warrants to a more junior class, the equity interest holders.⁶⁵

The amended post-remand plan was filed on February 21, 2006 and confirmed by the district court on August 15, 2006.⁶⁶ Under the confirmed plan, 56.4 million shares of the reorganized company will be issued — two-thirds funding the asbestos trust and one-third being paid to unsecured creditors.⁶⁷ The emerging trust will have \$2.11 billion in cash and equity assets available for distribution.⁶⁸

Babcock & Wilcox. Babcock & Wilcox's plan was recommended for confirmation by the U.S. Bankruptcy Court for the Eastern District of Louisiana on December 28, 2005 and confirmed by the district court on January 17, 2006.⁶⁹ The emerging bankruptcy trust has an estimated \$1 billion in available cash and equity assets.⁷⁰

Combustion Engineering. Combustion Engineering's modified post-remand plan was approved by the U.S. Bankruptcy Court for the District of Delaware on December 19, 2005 and affirmed by the district court on March 2, 2006.⁷¹ The asbestos trust will have between \$1 and \$2 billion in assets available for distribution.⁷²

JT Thorpe, Inc. On January 17, 2006, the U.S. District Court for the Central District of California approved JT Thorpe's plan of reorganization, which had previously been confirmed by the bankruptcy court on September 6, 2005.⁷³ The plan establishes a § 524(g) trust which will be funded, in part, with a \$500,000 note and insurance proceeds.⁷⁴

Owens Corning/Fibreboard. After six years in bankruptcy, the U.S. Bankruptcy Court for the District of Delaware confirmed Owens Corning's plan of reorganization on September 26, 2006;⁷⁵ just two days later, confirmation was affirmed by the district court.⁷⁶ An estimated \$4.99 billion in cash and equity assets will be available for distribution by the § 524(g) trust.⁷⁷

Plibrico Co. On January 30, 2006, both the U.S. Bankruptcy Court for the Northern District of Illi-

nois and the district court for that district confirmed Plibrico's plan of reorganization.⁷⁸ The plan of reorganization establishes an asbestos trust pursuant to § 524(g) which will be funded by, among other things, 100% of reorganized Plibrico's common stock and insurance proceeds.⁷⁹

Porter-Hayden Co. Porter-Hayden's amended plan of reorganization was confirmed by the U.S. Bankruptcy Court for the District of Maryland on July 5, 2006⁸⁰ and by the district court on July 7, 2006.⁸¹ The plan establishes a trust pursuant to § 524(g) that will be funded in large part with proceeds of Porter Hayden's insurance. The actual amount that will be available to asbestos claimants through the trust has not yet been determined pending the outcome of litigation with certain of Porter Hayden's insurers, who had agreed to "insurance neutrality" provisions in the plan, concerning the amount and availability of insurance coverage for asbestos claims.⁸² So far, the trust has access to approximately \$40 million in cash as the result of insurance settlements during the bankruptcy case.⁸³

USG Corp. On June 15, 2006, the U.S. Bankruptcy Court for the District of Delaware and the district court for that district both confirmed USG's plan of reorganization.⁸⁴ The § 524(g) asbestos personal injury trust has \$4 billion in assets for distribution to asbestos claimants.⁸⁵

This influx of funding has drawn great attention not only from claimants, but also from co-defendants of the now-reorganized debtors and insurers who have funded the resolution of asbestos claims against other companies while such debtors were in bankruptcy. The co-defendants and insurers may contend that they are entitled to compensation from the trusts for the amounts they paid to resolve heightened demands to non-debtors during the time the above-noted debtors (and others) were in bankruptcy and not paying asbestos claims.⁸⁶

The influx in funding has also begun to grab the attention of courts. Historically, courts have not focused on payments claimants receive or expect to receive from § 524(g) trusts as a part of determining the damages payable to an asbestos claimant.⁸⁷ This lack of transparency may have allowed certain asbestos plaintiffs to "double-dip" — *i.e.*, receive full

compensation for their claims in the tort system, then receive additional compensation from one or more bankruptcy trusts.⁸⁸ Such an opaque system developed during a time when trusts were only able to pay a small percentage of an asbestos claimant's recovery.⁸⁹ With the influx of billions in assets, however, asbestos claimants could begin to receive substantial recovery for their claims from the multitude of present and upcoming § 524(g) trusts.⁹⁰ Some courts — spurred by defendants and insurers — are beginning to turn their attention to the issue. For example, some courts have begun to require asbestos plaintiffs to provide details of claims made in the various bankruptcy trusts.⁹¹ It is not yet clear how the majority of courts will handle the potential for multiple recoveries, but there can be little doubt that these new, significant bankruptcy trust payments will raise important issues in asbestos litigation over the coming years.⁹²

4. Conclusion

Asbestos bankruptcies continue to be filed in smaller numbers than the peak 2000-2004 period, and we believe that this trend will likely continue into the foreseeable future. In our opinion, increased attention will therefore shift to the existing and upcoming § 524(g) trusts, which may provide billions of dollars in funding for the resolution of asbestos personal injury claims as long-time asbestos debtors resolve their cases. Such a large influx of money potentially available for the payment of asbestos personal injury claims may dramatically impact the course and direction of asbestos litigation. It remains to be seen whether counsel for asbestos claimants will be successfully able to obtain multiple recoveries for their clients' claims, and whether insurers and co-defendants will be able to obtain reimbursement for having already paid to cover the liability shares of former debtors.

CHART 1:
COMPANY NAME AND YEAR OF BANKRUPTCY FILING (CHRONOLOGICALLY)

Company	Year
UNR Industries	1982
Johns-Manville Corp.	1982
Amatex Corp.	1982
Unarco	1982
Waterman Steamship Corp.	1983
Wallace & Gale Co.	1984
Forty-Eight Insulations	1985
Philadelphia Asbestos Corp. (Pacor)	1986
Standard Insulations, Inc.	1986
Prudential Lines, Inc.	1986
McLean Industries	1986
United States Lines	1986
Gatke Corp.	1987
Todd Shipyards	1987
Nicolet, Inc.	1987
Raymark Corp./Raytech Corp.	1989
Delaware Insulations	1989
Hillsborough Holding Co.	1989
Celotex Corp.	1990
Carey Canada, Inc.	1990
National Gypsum	1990
Eagle-Picher Industries	1991
H.K. Porter Co.	1991
Kentile Floors	1992
American Shipbuilding, Inc.	1993
Keene Corp.	1993
Lykes Bros. Steamship	1995
Rock Wool Manufacturing	1996
M.H. Detrick	1998
Fuller-Austin	1998
Brunswick Fabricators	1998
Harnischfeger Corp.	1999
Rutland Fire Clay	1999
Babcock & Wilcox Co.	2000
Pittsburgh Corning	2000
Owens Corning Corp./Fibreboard	2000
Armstrong World Industries	2000
Burns & Roe, Inc.	2001
G-I Holdings	2001
Skinner Engine Co.	2001
W.R. Grace	2001

USG Corp.	2001
E.J. Bartells	2001
United States Mineral Products	2001
Federal Mogul	2001
Murphy Marine Services	2001
Insul Co.	2001
Swan Transportation Co.	2001
North American Refractories Corp. (NARCO)	2002
Kaiser Aluminum	2002
GIT/Harbison-Walker/AP Green Industries	2002
Plibrico Co.	2002
Shook & Fletcher	2002
Porter-Hayden Co.	2002
Artra Group, Inc.	2002
Asbestos Claims Management Corp.	2002
ACandS	2002
JT Thorpe Co. (S.D. Tex.)	2002
A-Best Products	2002
Western MacArthur/Western Asbestos	2002
C.E. Thurston	2003
Combustion Engineering	2003
Congoleum Corp.	2003
Mid-Valley (Halliburton subsidiaries)	2003
Muralo Co.	2003
Flintkote Co./Flintkote Mines	2004
Oglebay Norton Co. (ONCO)	2004
Special Electric	2004
Quigley Co.	2004
Utex Industries	2004
JT Thorpe, Inc. (C.D. Cal.)	2004
API, Inc.	2005
Lake Asbestos of Quebec, Ltd.	2005
Asarco ¹	2005
Brauer Supply Co.	2005
Dana Corporation	2006
ABB Lummus Global	2006
Lloyd E. Mitchell Co.	2006

¹ Three subsidiaries of Asarco – AR Sacaton LLC; Southern Peru Holdings, LLC; and Asarco Exploration Company – filed for Chapter 11 on December 12, 2006, citing asbestos exposure.

CHART 2:
COMPANY NAME AND YEAR OF BANKRUPTCY FILING (ALPHABETIZED)

Company	Year
ABB Lummus Global	2006
A-Best Products	2002
ACandS, Inc.	2002
Amatex Corp.	1982
American Shipbuilding Co.	1993
Ancor Holdings Inc./National Gypsum	1990
API, Inc.	2005
Armstrong World Industries	2000
Artra Group, Inc.	2002
Asarco, Inc.	2005 ¹
Asbestos Claims Management Corp.	2002
Babcock & Wilcox Co.	2000
Brauer Supply Co.	2005
Brunswick Fabricators	1998
Burns & Roe	2001
Carey Canada, Inc.	1990
Cassiar Mines	1992
Celotex Corp.	1990
C.E. Thurston	2003
Combustion Engineering	2003
Congoleum Corp.	2003
Dana Corporation	2006
Delaware Insulations Distributors	1989
Eagle Pitcher Industries	1991
EJ Bartells Co., Inc.	2001
Federal Mogul Corp.	2001
Flintkote Co.	2004
Flintkote Mines Ltd.	2004
Forty-Eight Insulations	1985
Fuller-Austin Insulation Co.	1998
Gatke Corp.	1987
G-I Holdings	2001
GIT/Harbison-Walker/AP Green	2002
Harnischfeger Corp.	1999
Hillsborough Holdings	1989
H.K. Porter Co., Inc.	1991
Insul Co.	2001

¹ Three subsidiaries of Asarco – AR Sacaton LLC; Southern Peru Holdings, LLC; and Asarco Exploration Company – filed for Chapter 11 on December 12, 2006, citing asbestos exposure.

Johns-Manville Corp.	1982
JP Stevens	2004
JT Thorpe (S.D. Tex.)	2002
JT Thorpe (C.D. Cal.)	2004
Kaiser Aluminum Corp.	2002
Keene Corp.	1993
Kentile Floors, Inc.	1992
Lake Asbestos of Quebec, Ltd.	2005
Lloyd E. Mitchell Co.	2006
McLean Industries	1986
M.H. Detrick	1998
Mid-Valley (Halliburton subsidiaries)	2003
The Muralo Co., Inc.	2003
Murphy Marine Services, Inc.	2001
North American Refractories Co. (NARCO)	2002
Nicolet, Inc.	1987
Ogelbay Norton (ONCO)	2004
Owens Corning/Fibreboard	2000
Philadelphia Asbestos Corp. (Pacor)	1986
Pittsburgh Corning	2000
Plibrico Co.	2002
Porter-Hayden Co.	2002
Prudential Lines, Inc.	1986
Quigley Co.	2004
Raymark Corp./Raytech Corp.	1989
Rock Wool Manufacturing	1996
Rutland Fire Clay Co.	1999
Shook & Fletcher Insulation Co.	2002
Skinner Engine Co.	2001
Special Electric Co.	2004
Standard Insulations, Inc.	1986
Swan Transportation Co.	2001
Todd Shipyards	1987
Unarco Industries, Inc.	1982
United States Lines	1986
United States Mineral Products	2001
UNR Industries, Inc.	1982
USG Corp.	2001
Utex Industries	2004
Wallace & Gale	1984
Waterman Steamship Corp.	1983
Western Macarthur	2002
W.R. Grace Co.	2001

CHART 3:
COMPANY NAME, CASE NO., COURT, PLAN STATUS & PUBLISHED
DECISIONS

Company	Case No. & Court	Plan Status	Published Decisions
ABB Lummus Global, Inc.	No. 06-10401-JKF (Bankr. D. Del.)	Prepackaged plan of reorganization confirmed by the bankruptcy court on June 29, 2006 and by the district court on July 21, 2006.	
A-Best Products	No. 02-12734-JKF (Bankr. D. Del.)	Plan confirmed by the bankruptcy court May 25, 2004 and by the district court June 7, 2004.	
ACandS, Inc.	No. 02-12687 (Bankr. D. Del.)	Plan denied confirmation by the bankruptcy court on January 26, 2004; appeals pending in district court.	<i>ACandS, Inc. v. Travelers Cas. & Sur. Co.</i> , 435 F.3d 252 (3d Cir. 2006); <i>In re ACandS, Inc.</i> , 311 B.R. 36 (Bankr. D. Del. 2004); <i>In re ACandS, Inc.</i> , 297 B.R. 36 (Bankr. D. Del. 2003); <i>In re ACandS, Inc.</i> , 297 B.R. 395 (Bankr. D. Del. 2003).
Amatex Corp.	No. 82-05220 (Bankr. E.D. Pa.)	Plan confirmed by the bankruptcy court on April 25, 1990.	<i>In re Amatex Corp.</i> , 755 F.2d 1034 (3d Cir. 1985); <i>Amatex Corp. v. Aetna Cas. & Sur. Co. (In re Amatex Corp.)</i> , 107 B.R. 856 (Bankr. E.D. Pa. 1989), <i>aff'd</i> , 908 F.2d 961 (3d Cir. 1990); <i>Amatex Corp. v. Aetna Cas. & Sur. Co. (In re Amatex Corp.)</i> , 97 B.R. 220 (Bankr. E.D. Pa.), <i>aff'd sub nom. Amatex Corp. v. Stonewall Ins. Co.</i> , 102 B.R. 411 (E.D. Pa. 1989); <i>In re Amatex Corp.</i> , 37 B.R. 613

			(E.D. Pa. 1983).
American Shipbuilding Co.	No. 93-11552 (Bankr. M.D. Fla.)	Plan confirmed by the bankruptcy court on October 11, 1994.	
A.P.I., Inc.	No. 05-30073 (Bankr. D. Minn.)	Third amended plan confirmed by the bankruptcy court on December 6, 2005; confirmation order affirmed by the district court on May 25, 2006; currently on appeal in the Eighth Circuit (No. 06-2421)	<i>In re A.P.I., Inc.</i> , 331 B.R. 828 (Bankr. D. Minn. 2005); <i>In re A.P.I., Inc.</i> , 324 B.R. 761 (Bankr. D. Minn. 2005).
Armstrong World Industries	No. 00-4471 (Bankr. D. Del.)	Plan recommended for confirmation by bankruptcy court on December 19, 2003; confirmation denied by district court on February 23, 2005; district court's order denying confirmation affirmed by the Third Circuit on December 29, 2005. Amended post-remand plan filed February 21, 2006. District court entered an opinion and order confirming the plan on August 15, 2006.	<i>In re Armstrong World Indus., Inc.</i> , 432 F.3d 507 (3d Cir. 2005), <i>aff'g In re Armstrong World Indus., Inc.</i> , 320 B.R. 523 (D. Del. 2005); <i>In re Kensington Int'l Ltd.</i> , 368 F.3d 289 (3d Cir. 2004) (also applicable to the <i>Federal-Mogul</i> , <i>Owens Corning</i> , <i>USG Corp.</i> , and <i>W.R. Grace</i> bankruptcies); <i>In re Kensington Int'l Ltd.</i> , 353 F.3d 211 (3d Cir. 2003) (also applicable to the <i>Federal-Mogul</i> , <i>Owens Corning</i> , <i>USG Corp.</i> , and <i>W.R. Grace</i> bankruptcies); <i>In re Armstrong World Indus., Inc.</i> , 348 B.R. 136 (D. Del. 2006); <i>In re Armstrong World Indus., Inc.</i> , 348 B.R. 111 (D. Del. 2006); <i>In re Armstrong World Indus., Inc.</i> , 320 B.R. 523 (D. Del. 2005). <i>See also Maertín v. Armstrong World Indus., Inc.</i> , 241 F. Supp.2d 434 (D.N.J.

			2002); <i>Wise v. Travelers Indem. Co.</i> , 192 F. Supp.2d 506 (N.D. W.Va. 2002).
Artra Group, Inc.	No. 02-21522 (Bankr. N.D. Ill.)	Amended plan filed on August 16, 2006; not yet confirmed.	<i>Official Comm. Of Unsecured Creditors of Artra Group, Inc. v. Artra Group, Inc. (In re Artra Group, Inc.)</i> , 300 B.R. 699 (Bankr. N.D. Ill. 2003).
Asbestos Claims Management Corp.	No. 02-37124 (Bankr. N.D. Tex.)	Plan confirmed by the bankruptcy court on May 6, 2003 and by the district court on June 5, 2003.	<i>In re Asbestos Claims Mgt. Corp.</i> , 294 B.R. 663 (N.D. Tex. 2003).
Babcock & Wilcox Co.	No. 00-10992 (Bankr. E.D. La.)	Amended plan recommended for confirmation by the bankruptcy court December 28, 2005, confirmed by the district court January 17, 2006.	<i>Amer. Nuclear Insurers v. The Babcock & Wilcox Co. (In re The Babcock & Wilcox Co.)</i> , 69 Fed. Appx. 659 (5th Cir. 2003); <i>Clyde Bergemann, Inc. v. The Babcock & Wilcox Co. (In re The Babcock & Wilcox Co.)</i> , 250 F.3d 955 (5th Cir. 2001); <i>The Babcock & Wilcox Co. v. Southern Indiana Gas & Elec. Co. (In re The Babcock & Wilcox Co.)</i> , 316 B.R. 62 (Bankr. E.D. La. 2003); <i>In re Babcock & Wilcox Co.</i> , 274 B.R. 230 (Bankr. E.D. La. 2002);. <i>See also Babcock & Wilcox Co. v. McGriff, Seibels & Williams, Inc.</i> , 235 F.R.D. 632 (E.D. La. 2006).
Brauer Supply Co.	No. 05-51754 (Bankr. E.D. Mo.)	Fourth amended plan confirmed by bankruptcy court on December 8, 2006; not yet confirmed by district court.	

Burns & Roe	No. 00-41610 (Bankr. D.N.J.)	Third amended plan filed on December 5, 2005.	
Carey Canada, Inc.	Nos. 90-10016-8B1, 90-10017-8B1 (Bankr. M.D. Fla.)	Joint plan of reorganization with Celotex Corp. confirmed by the bankruptcy court on December 6, 1996 and by the district court on March 4, 1997.	<i>See</i> Celotex-related decisions.
Celotex Corp.	Nos. 90-10016-8B1, 90-10017-8B1 (Bankr. M.D. Fla.)	Joint plan of reorganization with Carey Canada confirmed by the bankruptcy court on December 6, 1996 and by the district court on March 4, 1997.	<i>Fibreboard Corp. v. Celotex Corp. (In re Celotex Corp.)</i> , 472 F.3d 1318 (11th Cir. 2006); <i>Dana Corp. v. Celotex Asbestos Settlement Trust</i> , 251 F.3d 1107 (6th Cir. 2001); <i>Owens-Illinois, Inc. v. Rapid Am. Corp. (In re Celotex Corp.)</i> , 124 F.3d 619 (4th Cir. 1997); <i>Hillsborough Holdings Corp. v. Celotex Corp.</i> , 123 B.R. 1018 (M.D. Fla. 1990); <i>Celotex Corp. v. Allstate Ins. Co. (In re Celotex Corp.)</i> , 336 B.R. 833 (Bankr. M.D. Fla. 2005); <i>Asbestos Settlement Trust v. Utah (In re Celotex Corp.)</i> , 330 B.R. 815 (Bankr. M.D. Fla. 2005); <i>In re Celotex Corp.</i> , 289 B.R. 460 (Bankr. D. Fla. 2003); <i>In re Celotex Corp.</i> , 245 B.R. 174 (Bankr. D. Fla. 2000); <i>In re Celotex Corp.</i> , 224 B.R. 853 (Bankr. M.D. Fla. 1998); <i>In re Celotex Corp.</i> , 204 B.R. 586 (Bankr. D. Fla. 1998); <i>In re Celotex Corp.</i> , 204 B.R. 586 (M.D. Fla.

			1996); <i>Celotex Corp. v. AIU Ins. Co. (In re Celotex Corp.)</i> , 187 B.R. 746 (M.D. Fla. 1995); <i>In re Celotex Corp.</i> , 152 B.R. 667 (Bankr. M.D. Fla. 1993); <i>In re Celotex Corp.</i> , 152 B.R. 661 (Bankr. M.D. Fla. 1993); <i>In re Celotex Corp.</i> , 149 B.R. 997 (Bankr. M.D. Fla. 1993); <i>In re Celotex Corp.</i> , 123 B.R. 917 (Bankr. M.D. Fla. 1991); <i>Hillsborough Holdings Corp. v. Celotex Corp. (In re Hillsborough Holdings Corp.)</i> , 123 B.R. 1004 (Bankr. M.D. Fla. 1990).
C.E. Thurston	No. 03-75932-SCS (Bankr. E.D. Va.)	Plan confirmed by the district court March 30, 2006.	
Combustion Engineering	No. 03-10495 (Bankr. D. Del.)	Plan confirmed by the bankruptcy court on June 23, 2003 and by the district court on August 13, 2003; confirmation order vacated by the Third Circuit on December 2, 2004. Modified post-remand plan confirmed by the bankruptcy court on December 19, 2005; district court order affirming the bankruptcy court's confirmation order entered March 1, 2006.	<i>In re Combustion Eng'g, Inc.</i> , 391 F.3d 190 (3d Cir. 2004); <i>Certain Underwriters at Lloyd's, London v. ABB Lummus Global, Inc.</i> , 337 B.R. 22 (S.D.N.Y. 2005); <i>TIG Ins. Co. v. Combustion Eng'g, Inc. (In re Combustion Eng'g, Inc.)</i> , 366 F. Supp.2d 224 (D. Del. 2005); <i>In re Combustion Eng'g, Inc.</i> , 295 B.R. 459 (Bankr. D. Del. 2003); <i>Pre-Petition Comm. of Select Asbestos Claimants v. Combustion Eng'g, Inc. (In re Combustion Eng'g, Inc.)</i> , 292 B.R. 515 (Bankr. D. Del. 2003).

Congoleum Corp.	No. 03-51524 (KCF) (Bankr. D.N.J.)	Eleventh modified plan filed by debtor October 23, 2006. Proposed competing plan filed by the CNA insurers on September 22, 2006. On February 1, 2007, the bankruptcy court docketed opinions and orders finding debtors' tenth plan and the CNA insurers' second plan unconfirmable as a matter of law.	<i>Century Indem. Co. v. Congoleum Corp.</i> (In re <i>Congoleum Corp.</i>), 426 F.3d 675 (3d Cir. 2005); <i>Baron & Budd, P.C. v. Unsecured Asbestos Claimants Comm.</i> (In re <i>Congoleum Corp.</i>), 321 B.R. 147 (D.N.J. 2005).
Dana Corporation	No. 06-10354 (BRL) (Bankr. S.D.N.Y.)	Petition filed March 3, 2006.	<i>In re Dana Corp.</i> , 351 B.R. 96 (Bankr. S.D.N.Y. 2006); <i>In re Dana Corp.</i> , 350 B.R. 144 (Bankr. S.D.N.Y. 2006); <i>In re Dana Corp.</i> , 344 B.R. 35 (Bankr. S.D.N.Y. 2006).
Delaware Insulations Distributors	No. 89-00295 (Bankr. D. Del.)	Plan confirmed by the bankruptcy court on September 9, 1992.	
Eagle-Picher Industries	No. 91-10100 (Bankr. S.D. Ohio) No. 05-12601 (Bankr. S.D. Ohio)	Plan confirmed by the bankruptcy and district courts on November 18, 1996. Company filed a new bankruptcy petition on April 11, 2005. Plan confirmed June 28, 2006.	<i>Caradon Doors & Windows, Inc. v. Eagle-Picher Indus., Inc.</i> (In re <i>Eagle-Picher Indus., Inc.</i>), 447 F.3d 461 (3d Cir. 2006); <i>American Imaging Services, Inc. v. Eagle-Picher Indus., Inc.</i> (In re <i>Eagle-Picher Indus., Inc.</i>), 963 F.2d 855 (6th Cir. 1992); <i>In re Eagle-Picher Holdings, Inc.</i> , 345 B.R. 860 (S.D. Ohio 2006); <i>Official Comm. of Unsecured Creditors v. Eagle-Picher Indus., Inc.</i> (In re <i>Eagle-Picher Indus., Inc.</i>), 169 B.R. 130 (S.D. Ohio 1994); <i>In re Eagle-Picher Indus.</i> , 203 B.R. 256 (Bankr. S.D.

			Ohio 1996), <i>aff'd</i> , 1996 U.S. Dist. LEXIS 17160 (S.D. Ohio Nov. 18, 1996); <i>In re Eagle-Picher Indus.</i> , 189 B.R. 681 (Bankr. S.D. Ohio 1995); <i>In re Eagle-Picher Indus.</i> , 144 B.R. 69 (Bankr. S.D. Ohio 1992).
E.J. Bartells Co., Inc.	No. 00-10390 (Bankr. W.D. Wash.)	Plan confirmed by the bankruptcy court on February 14, 2001.	
Federal-Mogul	No. 01-10578 (Bankr. D. Del.)	Revised fourth amended joint plan filed on February 7, 2007; not yet confirmed.	<i>In re Kensington Int'l Ltd.</i> , 368 F.3d 289 (3d Cir. 2004) (also applicable to the <i>Armstrong, Owens Corning, USG Corp.</i> , and <i>W.R. Grace</i> bankruptcies); <i>In re Kensington Int'l Ltd.</i> , 353 F.3d 211 (3d Cir. 2003) (also applicable to the <i>Armstrong, Owens Corning, USG Corp.</i> , and <i>W.R. Grace</i> bankruptcies); <i>In re Federal-Mogul Global, Inc.</i> , 300 F.3d 368 (3d Cir. 2002); <i>In re Federal-Mogul Global, Inc.</i> , 330 B.R. 133 (D. Del. 2005); <i>In re Federal-Mogul Global, Inc.</i> , 282 B.R. 301 (Bankr. D. Del.), <i>mandamus denied</i> , 300 F.3d 368 (3d Cir. 2002), <i>cert. denied</i> , 537 U.S. 1148 (2003). <i>See also Arnold v. Garlock</i> , 278 F.3d 426 (5th Cir. 2001).
Flintkote Co.	No. 04-11300 (JKF) (Bankr. D. Del.)	Petition filed May 1, 2004; plan not yet filed.	<i>Hopkins v. Plant Insulation Co.</i> , 342 B.R. 703 (D. Del. 2006); <i>Certain Underwriters at</i>

			<i>Lloyd's, London v. Future Asbestos Claims Representative (In re Kaiser Aluminum Corp.)</i> , 327 B.R. 554 (D. Del. 2005) (consolidated with <i>London Mkt. Ins. Cos. v. Baron & Budd PC (In re The Flintkote Co.)</i> . See also <i>Flintkote Co. v. Gen'l Acc. Assur. Co.</i> , 410 F. Supp.2d 875 (N.D. Cal. 2006); <i>Hopkins v. Plant Insulation Co.</i> , 349 B.R. 805 (N.D. Cal. 2006).
Forty-Eight Insulations	No. 85-B-05061 (Bankr. N.D. Ill.)	Modified Fourth Amended Plan of Liquidation confirmed by bankruptcy court on May 16, 1995.	<i>In re Forty-Eight Insulations</i> , 115 F.3d 1294 (7th Cir. 1997); <i>In re Forty-Eight Insulations, Inc.</i> , 133 B.R. 973 (Bankr. N.D. Ill. 1991), <i>aff'd</i> , 149 B.R. 860 (N.D. Ill. 1992); <i>In re Forty-Eight Insulations, Inc.</i> , 109 B.R. 315 (N.D. Ill. 1989).
Fuller-Austin Insulation Co.	No. 98-02038 (Bankr. D. Del.)	Plan confirmed by the district court, sitting in bankruptcy, on November 13, 1998.	<i>Fuller-Austin Insulation Co. v. Highlands Ins. Co.</i> , 135 Cal. App.4th 958, 38 Cal. Rptr.3d 716 (2006), <i>cert. denied</i> , 127 S. Ct. 248 (2006).
Gatke Corp.	No. 87-30308 (Bankr. N.D. Ind.)	Second amended plan of liquidation filed August 17, 1989; case converted to Chapter 7 on August 9, 1991.	
G-I Holdings	Nos. 01-30135 [RG] and 01-38790 [RG] (Bankr. D.N.J.)	Petition filed January 5, 2001; plan not yet filed.	<i>Official Comm. of Asbestos Claimants v. G-I Holdings, Inc. (In re G-I Holdings, Inc.)</i> , 385 F.3d 313 (3d Cir. 2004); <i>Official Comm. of Asbestos Claimants of G-I Holdings, Inc. v. Heyman</i> , 342 B.R. 416

		<p>(S.D.N.Y. 2006); <i>In re G-I Holdings, Inc.</i>, 380 F. Supp.2d 469 (D.N.J. 2005); <i>Official Comm. of Asbestos Claimants v. Bank of N.Y. (In re G-I Holdings, Inc.)</i>, 318 B.R. 66 (D.N.J. 2004), <i>aff'd</i>, 122 Fed. Appx. 554 (3d Cir. 2004); <i>Official Comm. of Asbestos Claimants of G-I Holdings, Inc. v. Heyman</i>, 306 B.R. 746 (S.D.N.Y. 2004); <i>In re G-I Holdings, Inc.</i>, 295 B.R. 502 (D.N.J. 2003); <i>Official Comm. of Asbestos Claimants v. G-I Holdings, Inc. (In re G-I Holdings, Inc.)</i>, 295 B.R. 211 (D.N.J. 2003); <i>In re G-I Holdings, Inc.</i>, 295 B.R. 502 (D.N.J. 2003); <i>In re G-I Holdings, Inc.</i>, 218 F.R.D. 428 (D.N.J. 2003); <i>Official Comm. Of Asbestos Claimants of G-I Holdings v. Heyman</i>, 277 B.R. 20 (S.D.N.Y. 2002); <i>Official Comm. Of Asbestos Claimants v. Bldg. Mat'ls Corp. of America (In re G-I Holdings, Inc.)</i>, 338 B.R. 232 (Bankr. D.N.J. 2006); <i>G-I Holdings, Inc. v. Bennet (In re G-I Holdings, Inc.)</i>, 328 B.R. 691 (Bankr. D.N.J. 2005); <i>In re G-I Holdings, Inc.</i>, 327 B.R. 730 (Bankr. D.N.J. 2005); <i>In re G-I Holdings</i>, 323 B.R. 583 (Bankr. D.N.J. 2005); <i>G-I Holdings, Inc. v.</i></p>
--	--	--

			<p><i>Those Parties Listed On Exhibit A (In re G-I Holdings, Inc.), 313 B.R. 612 (Bankr. D.N.J. 2004); In re G-I Holdings, Inc., 308 B.R. 196 (Bankr. D.N.J. 2004); In re G-I Holdings, Inc., 292 B.R. 804 (Bankr. D.N.J. 2003); G-I Holdings, Inc. v. Hartford Acc. & Indem. Co. (In re G-I Holdings, Inc.), 278 B.R. 376 (Bankr. D.N.J. 2002); G-I Holdings, Inc. v. Reliance Ins. Co. (In re G-I Holdings, Inc.), 278 B.R. 725 (Bankr. D.N.J. 2002).</i></p>
GIT/Harbison-Walker/AP Green	No. 02-21626 (Bankr. W.D. Pa.)	Third amended plan filed by GIT and NARCO on December 28, 2005; disclosure statement approved by the bankruptcy court January 30, 2006. Debtors' current exclusive period to solicit plan acceptances expires March 31, 2007.	<p><i>In re Global Indus. Techs., 344 B.R. 382 (Bankr. W.D. Pa. 2006); Global Indus. Techs., Inc. v. Ash Trucking Co. (In re Global Indus. Techs., Inc.), 333 B.R. 251 (Bankr. W.D. Pa. 2005); In re Global Indus. Techs., Inc., 303 B.R. 753 (Bankr. W.D. Pa. 2004), vacated in part, modified in part by <i>In re Global Indus. Techs., Inc.</i>, 2004 WL 555418 (W.D. Pa. Feb 3, 2004). See also <i>York Linings Int'l, Inc. v. Harbison-Walker Refractories Co.</i>, 839 N.E.2d 766 (Ind. App. 2005).</i></p>
Harnischfeger Corp.	No. 99-02171 (Bankr. Del.)	Amended plan confirmed by the bankruptcy court on May 18, 2001.	<p><i>In re Joy Global, Inc.</i>, 346 B.R. 659 (D. Del. 2006); <i>In re Harnischfeger Indus., Inc.</i>, 270 B.R. 188 (D. Del. 2001),</p>

			<i>vacated in part and remanded</i> , 80 Fed. Appx. 286 (3d Cir. Jul. 2, 2003); <i>In re Harnischfeger Indus., Inc.</i> , 246 B.R. 421 (Bankr. N.D. Ala. 2000).
Hillsborough Holdings	No. 89-09715 (Bankr. M.D. Fla.)	Plan confirmed by the bankruptcy court on March 2, 1995.	<i>In re Hillsborough Holding Corp.</i> , 127 F.3d 1398 (11th Cir. 1997); <i>In re Hillsborough Holding Corp.</i> , 116 F.3d 1391 (11th Cir. 1997); <i>Walter Industries, Inc. v. Solutia, Inc. (In re Hillsborough Holdings Corp.)</i> , 325 B.R. 334 (Bankr. M.D. Fla. 2005); <i>Cavaços v. Mid-State Trust II (In re Hillsborough Holdings Corp.)</i> , 267 B.R. 882 (Bankr. M.D. Fla. 2001); <i>Walter v. Celotex Corp. (In re Hillsborough Holdings Corp.)</i> , 197 B.R. 372 (Bankr. M.D. Fla. 1996); <i>In re Hillsborough Holdings Corp.</i> , 197 B.R. 366 (Bankr. M.D. Fla. 1996); <i>Hillsborough Holdings Corp. v. Celotex Corp.</i> , 123 B.R. 1018 (M.D. Fla. 1990); <i>Hillsborough Holdings Corp. v. Celotex Corp. (In re Hillsborough Holdings Corp.)</i> , 123 B.R. 1004 (Bankr. M.D. Fla. 1990).
H.K. Porter Co.	No. 91-468 WWB (Bankr. W.D. Pa.)	Plan confirmed by the district court on June 25, 1998.	<i>Travelers Ins. Co. v. H.K. Porter Co.</i> , 45 F.3d 737 (3d Cir. 1995); <i>In re H.K. Porter Co.</i> , 156 B.R. 16 (Bankr. W.D. Pa. 1993).

Insul Co.	No. 02-43909 (Bankr. N.D. Ohio)	Chapter 7 case; petition filed September 4, 2002; no-asset report filed May 18, 2005; case closed June 7, 2005.	
Johns-Manville Corp.	Nos. 82 B 11656 [BLR] through 82 B 11676 [BLR] (S.D.N.Y., E.D.N.Y.)	Plan confirmed by the bankruptcy court on December 22, 1986 and affirmed by the district court on July 15, 1987.	<p><i>State Gov't Creditors' Comm. for Prop. Damage Claims v. McKay (In re Johns-Manville Corp.)</i>, 920 F.2d 121 (2d Cir. 1990); <i>Kane v. Johns-Manville Corp.</i>, 843 F.2d 636 (2d Cir. 1988); <i>MacArthur Co. v. Johns-Manville Corp. (In re Johns-Manville Corp.)</i>, 837 F.2d 89 (2d Cir. 1988), <i>cert denied</i>, 488 U.S. 868 (1988); <i>In re Johns-Manville Corp.</i>, 68 B.R. 618 (Bankr. S.D.N.Y. 1986), <i>aff'd</i>, 78 B.R. 407 (S.D.N.Y. 1987), <i>aff'd sub nom. Kane v. Johns-Manville Corp.</i>, 843 F.2d 636 (2d Cir. 1988); <i>In re Johns-Manville Corp.</i>, 340 B.R. 49 (S.D.N.Y. 2006); <i>Manville Corp. v. Equity Sec. Holders' Comm. (In re Johns-Manville Corp.)</i>, 60 B.R. 842, 845 (S.D.N.Y. 1986), <i>rev'd</i>, 801 F.2d 60 (2d Cir. 1986); <i>In re Johns-Manville Corp.</i>, 52 B.R. 940 (S.D.N.Y. 1985); <i>In re Johns-Manville Corp.</i>, 45 B.R. 827 (S.D.N.Y. 1984); <i>In re Johns-Manville Corp.</i>, 45 B.R. 823 (S.D.N.Y. 1984); <i>In re Johns-Manville Corp.</i>, 42 B.R. 651 (S.D.N.Y. 1984);</p>

		<p><i>In re Johns-Manville Corp.</i>, 40 B.R. 219 (S.D.N.Y. 1984), <i>aff'g Johns-Manville Corp. v. Asbestos Litig. Group (In re Johns-Manville Corp.)</i>, 26 B.R. 219 (Bankr. S.D.N.Y. 1983), and <i>GAF Corp. v. Johns-Manville Corp. (In re Johns-Manville Corp.)</i>, 26 B.R. 405 (Bankr. S.D.N.Y. 1983); <i>In re Johns-Manville Corp.</i>, 31 B.R. 965 (S.D.N.Y. 1983); <i>In re Johns-Manville Corp.</i>, 39 B.R. 998 (S.D.N.Y. 1984); <i>Johns-Manville Corp. v. Colorado Ins. Guar. Ass'n</i>, 91 B.R. 225 (Bankr. S.D.N.Y. 1988); <i>In re Johns-Manville Corp.</i>, 68 B.R. 618 (Bankr. S.D.N.Y. 1986); <i>Committee of Asbestos-Related Litigants v. Johns-Manville Corp. (In re Johns-Manville Corp.)</i>, 60 B.R. 612 (Bankr. S.D.N.Y. 1986); <i>In re Johns-Manville Corp.</i>, 36 B.R. 743 (Bankr. S.D.N.Y. 1984); <i>Johns-Manville Corp. v. Asbestos Litig. Group (In re Johns-Manville Corp.)</i>, 33 B.R. 254 (Bankr. S.D.N.Y. 1983); <i>Findley v. Falise (In re Joint Eastern & Southern Districts Asbestos Litig.)</i>, 878 F. Supp. 473 (E. & S.D.N.Y. 1995); <i>Findley v. Falise (In re Johns-Manville Corp.)</i>, 982</p>
--	--	---

			F.2d 721 (2d Cir. 1992). <i>See also In re Davis</i> , 730 F.2d 176 (5th Cir. 1984). <i>See also Volkswagen of America, Inc. v. Superior Court</i> , 139 Cal. App.4th 1481 (2006).
JT Thorpe Co.	No. 02-41487-H5-11 (Bankr. S.D. Tex.)	Plan confirmed by the bankruptcy court on January 17, 2003 and by the district court on January 30, 2003; following appeal to the Fifth Circuit and remand by the Fifth Circuit following oral argument but before any ruling, plan re-confirmed by the bankruptcy court on March 3, 2004 and by the district court on March 3, 2004.	<i>In re JT Thorpe Co.</i> , 308 B.R. 782 (Bankr. S.D. Tex. 2003).
JT Thorpe, Inc.	No. LA02-14216-BB (Bankr. C.D. Cal.)	Plan confirmed by the bankruptcy court on September 6, 2005 and by the district court on January 17, 2006.	
Kaiser Aluminum Corp.	No. 02-10429 (Bankr. D. Del.)	Second Amended Joint Plan confirmed by the bankruptcy court on February 6, 2006 and by the district court on May 11, 2006.	<i>In re Kaiser Aluminum Corp.</i> , 456 F.3d 328 (3d Cir. 2006); <i>In re Kaiser Aluminum Corp.</i> , 343 B.R. 88 (D. Del. 2006); <i>Law Debenture Trust co. v. Kaiser Aluminum Corp.</i> (<i>In re Kaiser Aluminum Corp.</i>), 339 B.R. 91 (D. Del. 2006); <i>Certain Underwriters at Lloyd's, London v. Future Asbestos Claims Representative</i> (<i>In re Kaiser Aluminum Corp.</i>), 327 B.R. 554 (D. Del. 2005); <i>In re Kaiser Aluminum Corp.</i> , 303

			B.R. 299 (D. Del. 2003). <i>See also Volkswagen of America, Inc. v. Superior Court</i> , 139 Cal. App.4th 1481 (2006).
Keene Corp.	No. 93 B 46090, 96 CV 3492 (Bankr. S.D.N.Y.)	Fourth Amended Plan confirmed by the bankruptcy court on June 13, 1996 and by the district court on June 13, 1996.	
Kentile Floors, Inc.	No. 92 B 46466 BRL (Bankr. S.D.N.Y.)	Plan confirmed by the bankruptcy court on December 10, 1998.	
Lloyd E. Mitchell Co.	No. 06-13250 (Bankr. D. Md.)	Petition filed June 6, 2006; plan not yet filed.	
Lykes Bros. Steamship Co.	No. 95-10453 (M.D. Fl.)	Plan confirmed by the bankruptcy court on April 15, 1997 and by district court on April 15, 1997.	
M.H. Detrick	No. 98 B 01004 (Bankr. N.D. Ill.)	Plan confirmed jointly by the bankruptcy court and the district court on Aug. 21, 2002.	
Mid-Valley, Inc. (Halliburton subsidiaries)	No. 03-35592- JKF (Bankr. W.D. Pa.)	Plan confirmed by the bankruptcy court on July 16, 2004 and by the district court on December 1, 2004.	<i>In re Mid-Valley, Inc.</i> , 305 B.R. 425 (Bankr. W.D. Pa. 2004).
The Muralo Co.	No. 03-26723-MS (Bankr. D.N.J.)	Petition filed May 20, 2003; plan not yet filed.	<i>In re Muralo Co.</i> , 301 B.R. 690 (D.N.J. 2003); <i>In re Muralo Co.</i> , 295 B.R. 512 (Bankr. D.N.J. 2003).
Murphy Marine Services, Inc.	No. 01-00926 (Bankr. D. Del.)	Plan filed on January 23, 2002; case converted to Chapter 7 on July 25, 2002.	
National Gypsum Co./Ancor Holdings Inc.	No. 90-37213 (Bankr. N.D. Tex.)	Plan confirmed by the bankruptcy court March 9, 1993.	<i>New Nat'l Gypsum Co. v. National Gypsum Co. Settlement Trust (In re Nat'l Gypsum)</i> , 219 F.3d 478 (5th Cir. 2000);

			<i>Century Indem. Co. v. Nat'l Gypsum Co. (In re Nat'l Gypsum Co.)</i> , 203 F.3d 498 (5th Cir. 2000); <i>Donaldson Luffkin Jenrette Securities Corp. v. National Gypsum Co. (In re National Gypsum Co.)</i> , 123 F.3d 861 (5th Cir. 1997); <i>Ins. Co. of North America v. NGC Settlement Trust (In re National Gypsum Co.)</i> , 118 F.3d 1056 (5th Cir. 1997); <i>In re National Gypsum Co.</i> , 257 B.R. 184 (Bankr. N.D. Tex. 2000); <i>In re National Gypsum Co.</i> , 243 B.R. 676 (Bankr. D. Tex. 1999). <i>See also Browning v. Prostok</i> , 165 S.W.3d 336 (Tex. 2005).
North American Refractories Corp. (NARCO)	No. 02-20198 (Bankr. W.D. Pa.)	Third amended plan filed on December 28, 2005.	<i>In re North American Refractories Co.</i> , 280 B.R. 356 (Bankr. W.D. Pa. 2002).
Nicolet, Inc.	No. 87-03574S (Bankr. E.D. Pa.)	Plan confirmed by the bankruptcy court on September 21, 1989.	
Oglebay Norton Co.	No. 04-10558-JBR (Bankr. D. Del.)	Second amended plan confirmed by the bankruptcy court on November 7, 2004. Company emerged from bankruptcy on Jan. 31, 2005.	
Owens Corning/Fibreboard	No. 00-03837 (Bankr. D. Del.)	Plan confirmed by the bankruptcy court on September 26, 2006; bankruptcy court confirmation order affirmed by the district court on September 28, 2006.	<i>In re Owens Corning</i> , 419 F.3d 195 (3d Cir. 2005), <i>rev'g In re Owens Corning</i> , 316 B.R. 168 (D. Del. 2004); <i>Owens Corning v. Credit Suisse First Boston</i> , 322 B.R. 719 (D. Del. 2005); <i>In re Owens Corning</i> , 305 B.R. 175 (D. Del.

			2004); <i>In re Owens Corning</i> , 291 B.R. 329 (Bankr. D. Del. 2003); <i>In re Kensington Int'l Ltd.</i> , 368 F.3d 289 (3d Cir. 2004), <i>rev'g In re Owens Corning</i> , 316 B.R. 168 (Bankr. D. Del. 2004) (also applicable to the <i>Armstrong</i> , <i>Federal-Mogul</i> , <i>USG Corp.</i> , and <i>W.R. Grace</i> bankruptcies); <i>In re Kensington Int'l Ltd.</i> , 353 F.3d 211 (3d Cir. 2003) (also applicable to the <i>Armstrong</i> , <i>Federal-Mogul</i> , <i>USG Corp.</i> , and <i>W.R. Grace</i> bankruptcies). <i>See also Fibreboard Corp. v. Celotex Corp.</i> (<i>In re Celotex Corp.</i>), 472 F.3d 1318 (11th Cir. 2006); <i>Rogers v. McCullogh</i> , 173 Fed. Appx. 371 (6th Cir. 2006).
Philadelphia Asbestos Corp. (Pacor, Inc.)	No. 86-03252G (Bankr. E.D. Pa.)	Plan confirmed by the bankruptcy court on November 30, 1989.	
Pittsburgh Corning	No. 00-22876 (Bankr. W.D. Pa.)	Second amended plan filed on November 20, 2003; order entered by the bankruptcy court on December 21, 2006 denying confirmation.	<i>Mt. McKinley Ins. Co. v. Corning, Inc.</i> , 399 F.3d 436 (2d Cir. 2005); <i>In re Pittsburgh Corning Corp.</i> , 308 B.R. 716 (Bankr. W.D. Pa. 2004), <i>aff'd</i> , Dkt. No. 17, No. 2:04-cv-01199-DSC (W.D. Pa. Dec. 7, 2005).
Plibrico Co.	No. 02 B 09952 (Bankr. N.D. Ill.)	Plan confirmed by the bankruptcy court and the district court on January 30, 2006.	
Porter-Hayden Co.	No. 02-54152 (Bankr. D. Md.)	Plan confirmed by the bankruptcy court on July 5, 2006 and by the district court on July 7,	<i>National Union Fire Ins. Co. v. Porter Hayden Co.</i> , 331 B.R. 652 (D. Md. 2005); <i>Porter-Hayden Co.</i>

		2006.	<i>v. First State Mgt. Group, Inc. (In re Porter-Hayden Co.)</i> , 304 B.R. 725 (Bankr. D. Md. 2004).
Prudential Lines, Inc.	No. 86-11773 (Bankr. S.D.N.Y.)	Plan confirmed by the bankruptcy court on December 15, 1989 and by the district court on October 4, 1990.	<i>Dicola v. American S.S. Owners Mut. Protection & Indem. Ass'n (In re Prudential Lines, Inc.)</i> , 158 F.3d 65 (2d Cir. 1998); <i>Dicola v. American S.S. Owners Mut. Protection & Indem. Ass'n (In re Prudential Lines, Inc.)</i> , 170 B.R. 222 (S.D.N.Y. 1994).
Quigley Co.	No. 04-15739-SMB (Bankr. S.D.N.Y.)	Third amended plan filed October 6, 2005; not yet confirmed.	<i>In re Ad Hoc Comm. Of Tort Victims (In re Quigley Co.)</i> , 327 B.R. 138 (S.D.N.Y. 2005); <i>Quigley Co. v. Coleman (In re Quigley Co.)</i> , 323 B.R. 70 (S.D.N.Y. 2005); <i>In re Quigley Co.</i> , 346 B.R. 647 (Bankr. S.D.N.Y. 2006). <i>See also I.U. North America Inc. v. A.I.U. Ins. Co.</i> , 896 A.2d 880 (Del. Super. 2006).
Raymark Corp./Raytech Corp.	No. 89-00293 (Bankr. D. Conn.)	Second amended plan confirmed by the bankruptcy court on August 31, 2000.	
Rock Wool Manufacturing	Nos. CV-99-J-1589-S, BK-96-08295-TBB-11 (Bankr. N.D. Ala.)	Second amended plan confirmed by the bankruptcy court on December 3, 1999 and by the district court on December 6, 1999.	
Rutland Fire Clay Co.	No. 99-11390 (Bankr. D. Vt.)	Plan confirmed by the bankruptcy court and by the district court on November 17, 2000.	
Shook & Fletcher Insulation Co.	No. 02-02771-BGC-11 (Bankr. N.D. Ala.)	Plan confirmed by the bankruptcy court on October 29, 2002 and by the district court on	<i>See Shook & Fletcher Asbestos Settlement Trust v. Safety National Cas. Co.</i> , 909 A.2d 125 (Del.

		November 8, 2002.	2006).
Skinner Engine Co.	No. 01-23987-MBM (Bankr. W.D. Pa.)	Chapter 11 plan of liquidation filed November 14, 2005; replacement plan of reorganization filed March 15, 2006; motion to approve disclosure statement pending.	<i>In re American Capital Equipment, LLC</i> , 325 B.R. 372 (W.D. Pa. 2005); <i>In re American Capital Equipment, LLC</i> , 324 B.R. 570 (W.D. Pa. 2005).
Special Electric Co.	No. 04-25471-11-MDM	Chapter 11 plan of reorganization confirmed December 21, 2006.	
Standard Insulations, Inc.	No. 86-03413-1-11 (Bankr. W.D. Mo.)	Plan confirmed by the bankruptcy court and by the district court on October 26, 1992.	<i>In re Standard Insulations, Inc.</i> , 138 B.R. 947 (Bankr. W.D. Mo. 1992).
Swan Transportation Co.	No. 01-11690-JKF (Bankr. D. Del.)	Plan confirmed by the bankruptcy court on May 30, 2003 and by the district court on July 21, 2003.	
United States Lines	No. 86-12240 (Bankr. S.D.N.Y.) (jointly administered with McLean Industries, No. 86-12238)	Plan confirmed by the bankruptcy court on May 16, 1989.	<i>In re United States Lines</i> , 197 F.3d 631 (2d Cir. 1999), <i>rev'g United States Lines, Inc. v. American S.S. Owners Mut. Protection & Indem. Ass'n</i> , 220 B.R. 5 (S.D.N.Y. 1997), <i>rev'g United States Lines, Inc. v. American S.S. Owners Mut. Protection & Indem. Ass'n</i> , 169 B.R. 804 (Bankr. S.D.N.Y. 1994).
United States Mineral Products	No. 01-02471 (Bankr. D. Del.)	Fifth amended plan filed by Chapter 11 Trustee and ACC confirmed by the bankruptcy court on November 30, 2005; channeling injunction issued by the district court December 14,	

UNR Industries, Inc.	Nos. 82 B 9841-9845, 82 B 9847, 82 B 9849 (Bankr. N.D. Ill.)	2005. Plan confirmed by the bankruptcy court on June 1, 1989.	<i>In re UNR Indus., Inc.</i> , 20 F.3d 766 (7th Cir. 1994); <i>In re UNR Indus., Inc.</i> , 986 F.2d 207 (7th Cir. 1993); <i>UNR Indus., Inc. v. Continental Cas. Co.</i> , 942 F.2d 1101 (7th Cir. 1991); <i>In re UNR Indus., Inc.</i> , 736 F.2d 1136 (7th Cir. 1984); <i>In re UNR Indus., Inc.</i> , 725 F.2d 1111 (7th Cir., 1984); <i>In re UNR Industries, Inc.</i> , 224 B.R. 664 (Bankr. N.D. Ill. 1998); <i>In re UNR Industries, Inc.</i> , 212 B.R. 295 (Bankr. N.D. Ill. 1997); <i>UNR Industries, Inc. v. Bloomington Factory Workers</i> , 173 B.R. 149 (N.D. Ill. 1994); <i>In re UNR Industries, Inc.</i> , 143 B.R. 506 (Bankr. N.D. Ill. 1992); <i>UNARCO Bloomington Factory Workers v. UNR Industries, Inc.</i> , 124 B.R. 268 (N.D. Ill. 1990); <i>UNR Industries, Inc. v. American Mut. Liability Ins. Co.</i> , 92 B.R. 319 (N.D. Ill. 1988); <i>In re UNR Indus., Inc.</i> , 74 B.R. 146 (N.D. Ill. 1987); <i>In re UNR Industries, Inc.</i> , 72 B.R. 796 (Bankr. N.D. Ill. 1987); <i>In re UNR Industries, Inc.</i> , 72 B.R. 789 (Bankr. N.D. Ill. 1987); <i>In re UNR Industries, Inc.</i> , 71 B.R. 467 (Bankr. N.D. Ill.
----------------------	--	--	---

			<p>1987); <i>In re UNR Industries, Inc.</i>, 54 B.R. 270 (Bankr. N.D. Ill. 1985); <i>In re UNR Industries, Inc.</i>, 54 B.R. 266 (Bankr. N.D. Ill. 1985); <i>In re UNR Industries, Inc.</i>, 54 B.R. 263 (Bankr. N.D. Ill. 1985); <i>In re UNR Industries, Inc.</i>, 46 B.R. 671 (Bankr. N.D. Ill. 1985); <i>In re UNR Industries, Inc.</i>, 46 B.R. 25 (Bankr. N.D. Ill. 1984); <i>In re UNR Industries, Inc.</i>, 42 B.R. 99 (Bankr. N.D. Ill. 1984); <i>In re UNR Industries, Inc.</i>, 42 B.R. 94 (Bankr. N.D. Ill. 1984); <i>In re UNR Industries, Inc.</i>, 39 B.R. 190 (Bankr. N.D. Ill. 1984); <i>In re UNR Industries, Inc.</i>, 30 B.R. 609 (Bankr. N.D. Ill. 1983); <i>In re UNR Industries, Inc.</i>, 30 B.R. 613 (Bankr. N.D. Ill. 1983); <i>In re UNR Industries, Inc.</i>, 29 B.R. 741 (N.D. Ill. 1983); <i>In re UNR Industries, Inc.</i>, 23 B.R. 144 (Bankr. N.D. Ill. 1982). <i>See also Robn Indus., Inc. v. Platinum Equity LLC</i>, 887 A.2d 983 (Del. Super. 2005).</p>
<p>USG Corp.</p>	<p>No. 01-2094 (Bankr. D. Del.)</p>	<p>Plan confirmed by both the bankruptcy court and the district court on June 15, 2006.</p>	<p><i>In re Kensington Int'l Ltd.</i>, 368 F.3d 289 (3d Cir. 2004) (also applicable to the <i>Armstrong, Federal-Mogul, Owens Corning, and W.R. Grace</i></p>

			bankruptcies); <i>In re Kensington Int'l Ltd.</i> , 353 F.3d 211 (3d Cir. 2003) (also applicable to the <i>Armstrong, Federal-Mogul, Owens Corning, and W.R. Grace</i> bankruptcies); <i>In re USG Corp.</i> , 290 B.R. 223 (Bankr. D. Del. 2003).
Utex Industries	No. 04-34427 (Bankr. S.D. Tex.)	Plan confirmed by the bankruptcy court and the district court on June 16, 2004.	
Wallace & Gale	No. 85-40092 (Bankr. D. Md.)	Plan confirmed by the bankruptcy court on July 27, 1998 and affirmed by the district court on May 30, 2002.	<i>Jones v. Liberty Mut. Ins. Co. (In re Wallace & Gale Co.)</i> , 385 F.3d 820 (4th Cir. 2004), <i>aff'g</i> , <i>Aetna Cas. & Sur. Co. v. Wallace & Gale Co. (In re Wallace & Gale Co.)</i> , 284 B.R. 557 (D. Md. 2002), <i>reconsidering</i> <i>Aetna Cas. & Sur. Co. v. Wallace & Gale Co. (In re Wallace & Gale Co.)</i> , 275 B.R. 223 (D. Md. 2002).
Waterman Steamship Corp.	No. 83-11732 (Bankr. S.D.N.Y.)	Plan confirmed by the bankruptcy court on June 19, 1986.	<i>In re Waterman S.S. Corp. v. Aguiar</i> , 141 B.R. 552, 556 (Bankr. S.D.N.Y. 1992).
Western Macarthur/Western Asbestos	No. 02-46284-86, (Bankr. N.D. Cal.)	Plan confirmed by the bankruptcy court on January 27, 2004 and affirmed by the district court on April 16, 2004.	<i>In re Western Asbestos Co.</i> , 313 B.R. 859 (N.D. Cal. 2004); <i>In re Western Asbestos Co.</i> , 313 B.R. 832 (Bankr. N.D. Cal. 2003); <i>In re Western Asbestos Co.</i> , 313 B.R. 456 (Bankr. N.D. Cal. 2004). <i>See also Volkswagen of America, Inc. v. Superior Court</i> , 139 Cal. App.4th 1481 (2006).
W.R. Grace Co.	Nos. 01-1139, 01-1140	Amended plan filed	<i>In re Kensington Int'l</i>

	(Bankr. D. Del.)	January 13, 2005; not yet confirmed.	<p><i>Ltd.</i>, 368 F.3d 289 (3d Cir. 2004) (also applicable to the <i>Armstrong, Federal-Mogul, Owens Corning, and USG Corp.</i> bankruptcies); <i>In re Kensington Int'l Ltd.</i>, 353 F.3d 211 (3d Cir. 2003) (also applicable to the <i>Armstrong, Federal-Mogul, Owens Corning, and USG Corp.</i> bankruptcies); <i>In re W.R. Grace & Co.</i>, 315 B.R. 353 (D. Del. 2004); <i>In re W.R. Grace & Co.</i>, 346 B.R. 672 (Bankr. D. Del. 2006); <i>Official Comm. Of Asbestos Personal Injury Claimants v. Sealed Air Corp. (In re W.R. Grace & Co.)</i>, 281 B.R. 852 (Bankr. D. Del. 2002).</p>
--	------------------	--------------------------------------	--

2660578
 rev. 2/11/2007

Endnotes

1. Mark D. Plevin and Paul W. Kalish, *Where Are They Now: A History of the Companies That Have Sought Bankruptcy Protection Due To Asbestos Claims*, Mealey's Asbestos Bankruptcy Report, Vol. 1, No. 1, at 27 (Aug. 2001).
2. See Mark D. Plevin, Paul W. Kalish, and Leslie A. Epley, *Where Are They Now, Part Two: A Continuing History of the Companies That Have Sought Bankruptcy Protection Due To Asbestos Claims*, Mealey's Asbestos Bankruptcy Report, Vol. 17, No. 20 (Nov. 2002).
3. See Mark D. Plevin, Paul W. Kalish, and Leslie A. Epley, *Where Are They Now, Part Three: A Continuing History of the Companies That Have Sought Bankruptcy Protection Due To Asbestos Claims*, Mealey's Asbestos Bankruptcy Report, Vol. 5, No. 4 (Nov. 2005).
4. See Daniel Fisher, *No Double Dipping*, Forbes, October 17, 2006.
5. Corrections are welcome. Please send any corrections or comments to mplevin@crowell.com or lepley@crowell.com.
6. See Voluntary Petition, Dkt. No. 1, In re Brauer Supply Company, No. 05-51754 (Bankr. E.D. Mo. filed Aug. 22, 2005).
7. See Affidavit of James Truesdell in Support of First Day Pleadings, Dkt. No. 7, In re Brauer Supply Co., No. 05-51754 (Bankr. E.D. Mo. filed Aug. 22, 2005), at 2.
8. See *Id.*
9. Order Confirming Fourth Amended Plan of Reorganization Under Chapter 11 of the United States Bankruptcy Code for Brauer Supply Company Dated December 7, 2006, Dkt. No. 282, In re Brauer Supply Co., No. 05-51754 (Bankr. E.D. Mo. Dec. 8, 2006), at 29.
10. Fourth Amended Plan of Reorganization, Dkt. No. 280, In re Brauer Supply Co., No. 05-51754 (Bankr. E.D. Mo. Dec. 8, 2006), at 3.
11. *Id.* at 11, 35.
12. See Affidavit of Michael J. Burns Pursuant to Local Rule 1007-2, Dkt. No. 3, In re Dana Corp., No. 06-10354(BRL) (Bankr. S.D.N.Y. March 31, 2006), at 2.
13. Dana Corp. SEC Form 10-Q for the quarter ending September 30, 2005, at 16.
14. See In re Dana Corp., 344 B.R. 35, 40 (Bankr. S.D.N.Y. 2006).
15. See Objection of the United States Trustee To Motion Of The Ad Hoc Committee Of Asbestos Personal Injury Claimants For An Order Directing The United States Trustee To Appoint An Official Committee Of Asbestos Personal Injury Claimants, Pursuant to 11 U.S.C. § 1102(A)(2), Dkt. No. 896, In re Dana Corp., No. 06-10354 (BRL) (Bankr. S.D.N.Y. April 14, 2006) at 3.
16. See Final Order Authorizing the Employment and Retention of Analysis, Research, and Planning Corporation as Asbestos Claims Evaluation Consultants to the Official Committee of Unsecured Creditors and the Official Committee of Equity Security Holders on a Joint Basis Effective as of July 28, 2006, Dkt. No. 3621, In re Dana Corp., No. 06-10354 (BRL) (Bankr. S.D.N.Y. Sept. 21, 2006) at 2.
17. Order Extending The Debtors' Exclusive Periods To File A Plan Or Plans Of Reorganization And Solicit Acceptances Thereof, Dkt. No. 4398, In re Dana Corp., No. 06-10354 (BRL) (Bankr. S.D.N.Y. Dec. 19, 2006), at 2.
18. See Chapter 11 Voluntary Petition, Dkt. No. 1, In re ABB Lummus Global Inc., No. 06-10401(JKF) (Bankr. D. Del. April 21, 2006).
19. See Affidavit of Margaret Duplantier in Support of Debtor's Chapter 11 Petition and First Day Motions and Applications, Dkt. No. 4, In re ABB Lummus Global Inc., No. 06-10401(JKF) (Bankr. D. Del. April 21, 2006).
20. See *Id.*
21. See In re Combustion Eng'g, Inc., 391 F.3d 190 (3d Cir. 2004).

22. See Affidavit of Margaret Duplantier in Support of Debtor's Chapter 11 Petition and First Day Motions and Applications, Dkt. No. 4, In re ABB Lummus Global Inc., No. 06-10401(JKF) (Bankr. D. Del. April 21, 2006).
23. *See Id.*
24. Order (A) Approving Disclosure Statement and Solicitation Procedures, (B) Confirming and Recommending Affirmance By the U.S. District Court of Debtor's Plan of Reorganization as Modified Through June 8, 2006 and (c) Setting Bar Dates to File Certain Claims in Paragraphs 51, 52, 53 and 74, Dkt. No. 268, In re ABB Lummus Global Inc., No. 06-10401(JKF) (Bankr. D. Del June 29, 2006).
25. Order Affirming Confirmation Order and Issuing Injunctions, Dkt. No. 297, In re ABB Lummus Global Inc., No. 06-10401(JKF) (Bankr. D. Del. July 21, 2006).
26. See Debtor's Motion to Approve Settlement Agreement with Maryland Casualty Company, Dkt. No. 47, In re Lloyd E. Mitchell, Inc., No. 06-13250 (NVA) (Bankr. D. Md. June 27, 2006).
27. *See Id.*
28. See Motion of Debtor to Approve Settlement Agreement with Maryland Casualty Company, Dkt. No. 47, In re Lloyd E. Mitchell, Inc., No. 06-13250 (NVA) (Bankr. D. Md. June 27, 2006). Mr. Plevin and Ms. Cusick represent Maryland Casualty in this matter.
29. Motion of Ad Hoc Committee of Asbestos Claimants Pursuant to 11 U.S.C. § 1112(B) to Dismiss Chapter 11 Case, Dkt. No. 31, In re Lloyd E. Mitchell, Inc., No. 06-13250 (NVA) (Bankr. D. Md. June 20, 2006).
30. See Motion of Debtor to Approve Settlement Agreement with Maryland Casualty Company, Dkt. No. 47, In re Lloyd E. Mitchell, Inc., No. 06-13250 (NVA) (Bankr. D. Md. June 27, 2006). Mr. Plevin and Ms. Cusick represent Maryland Casualty in this matter.
31. *Id.*
32. Order Granting Joint Motion of Official Committee Of Unsecured Creditors and Ad Hoc Committee of Asbestos Claimants To Substitute The Official Committee Of Unsecured Creditors As Movants For Motion Pursuant to 11 U.S.C. § 1112(B) To Dismiss Chapter 11 Case, Dkt. No. 116, In re Lloyd E. Mitchell, Inc., No. 06-13250 (NVA) (Bankr. D. Md. Aug. 1, 2006).
33. Withdrawal With Prejudice Of Debtor's Motion To Approve Settlement Agreement With Maryland Casualty Company (Dkt. No. 47), Dkt. No. 199, In re Lloyd E. Mitchell, Inc., No. 06-13250 (NVA) (Bankr. D. Md. January 22, 2007).
34. Line Withdrawing Motion Of The Official Committee Of Unsecured Creditors Pursuant To 11 U.S.C. § 1112(B) To Dismiss Chapter 11 Case, Dkt. No. 200, In re Lloyd E. Mitchell, Inc., No. 06-13250 (NVA) (Bankr. D. Md. January 22, 2007).
35. Order Further Extending Debtor's Exclusive Periods to File A Plan Of Reorganization And Solicitation Acceptances Thereof, Dkt. No. 201, In re Lloyd E. Mitchell, Inc., No. 06-13250 (NVA) (Bankr. D. Md. Jan. 23, 2007).
36. See Mark D. Plevin, Paul W. Kalish, and Leslie A. Epley, *Where Are They Now, Part Three: A Continuing History of the Companies That Have Sought Bankruptcy Protection Due To Asbestos Claims*, Mealey's Asbestos Bankruptcy Report, Vol. 5, No. 4 (Nov. 2005), at 6.
37. See Motion for Order Directing Joint Administration of Cases, Dkt. No. 3417, In re ASARCO, No. 05-21207 (Bankr. S.D. Tex. Dec. 12, 2006), at 3.
38. In re Combustion Engineering, Inc., 391 F.3d 190 (3d Cir. 2004).
39. See Mark D. Plevin, Robert T. Ebert, and Leslie A. Epley, *Pre-Packaged Asbestos Bankruptcies: A Flawed Solution*, 44 S. Texas L. Rev. 883 (2003). See also Ronald Barliant, Dimitri G. Karcazes and Anne M. Sherry, *From Free-Fall to Free-For-All: The Rise Of Pre-Packaged Asbestos Bankruptcies*, 12 ABI L. Rev. 441 (2004).

40. On October 21, 2004, Crane Co. announced it would pursue a pre-packaged asbestos bankruptcy using a variant of the two-trust model addressed in Combustion Engineering. See Crane Co.'s SEC Form 8-K, filed October 21, 2004. The "Master Settlement Agreement" ("MSA") that was the foundation for Crane's pre-pack bankruptcy provided that it would terminate if, *inter alia*, Crane "determines that a Legal Change Event has occurred, on the date that [Crane] makes such determination." The MSA defined "Legal Change Event" as "a material change in the case law (excluding legislation), including without limitation any decision rendered by any United States Court of Appeals, which would have the effect of impairing MCC's ability to confirm an MCC Plan of Reorganization, as determined in MCC's sole discretion." *Id.* at 2. Shortly after the Third Circuit's ruling in Combustion Engineering, Crane announced that it was withdrawing from the MSA. Crane Co.'s SEC Form 8-K, filed Jan. 24, 2005, at 4. See also Mark D. Plevin, Paul W. Kalish, and Leslie A. Epley, *Where Are They Now, Part Three: A Continuing History of the Companies That Have Sought Bankruptcy Protection Due To Asbestos Claims*, Mealey's Asbestos Bankruptcy Report, Vol. 5, No. 4 (Nov. 2005) at 8.
41. The February 1, 2007 rulings in Congoleum, discussed below, will likely further discourage the filing of pre-packs using the "two-trust" model.
- In addition, there are also issues concerning whether pre-packs invoking § 524(g) are legally viable, when appropriate scrutiny is directed to how future claimants representatives are selected in connection with such cases. See Mark D. Plevin, Leslie A. Epley, and Clifton S. Elgarten, *The Future Claims Representative In Prepackaged Asbestos Bankruptcies: Conflicts of Interest, Strange Alliances, and Unfamiliar Duties For Burdened Bankruptcy Courts*, 62 NYU Ann. Survey of Am. L. 271 (2006).
42. See Order Denying Plan Confirmation, Dkt. No. 5192, In re Pittsburgh Corning Corp., No. 00-22876 (Bankr. W.D. Pa. Dec. 21, 2006).
43. See Century Indem. Co. v. Congoleum Corp. (In re Congoleum Corp.), 426 F.3d 675, 685 (3d Cir. 2005); Baron & Budd, P.C. v. Unsecured Asbestos Claimants Comm. (In re Congoleum Corp.), 321 B.R. 147, 160 (D.N.J. 2005); Memorandum Opinion, Dkt. No. 2166, In re Congoleum Corp., No. 03-51524 (KCF) (Bankr. D.N.J. Mar. 24, 2005) at 4 (finding the insurers are parties in interest with standing to object to plan confirmation).
44. See Order Granting Continental Casualty Company and Continental Insurance Company's Motion For Modification Of Order Granting Debtors' Motion To Extend The Time For Debtor To Submit Plan Modification Of Order Granting Debtors' Motion To Extend The Time For Debtor To Submit Plan Modifications And/Or A New Plan, Denying The Debtors' Motion To Extend Exclusivity And Adjourning The Debtors' Motion To Retain Covington And Burling, Dkt. No. 3266, In re Congoleum Corp., No. 03-51524 (KCF) (Bankr. D.N.J. Nov. 21, 2005).
45. See Continental Casualty Company and Continental Insurance Company's Second Modified Joint Plan of Reorganization Under Chapter 11 of the Bankruptcy Code For Congoleum Corp., Congoleum Fiscal, Inc. and Congoleum Sales, Inc. Dated Sept. 22, 2006, Dkt. No. 4595, In re Congoleum Corp., No. 03-51524 (KCF) (Bankr. D.N.J. Sept. 22, 2006).
46. See Eleventh Modified Joint Plan Of Reorganization Under Chapter 11 Of The Bankruptcy Code Of Congoleum Corporation, et al., And The Asbestos Claimants' Committee, Dated As Of October 23, 2006, Dkt. No. 4804, In re Congoleum Corp., No. 03-51524 (KCF) (Bankr. D.N.J. Oct. 23, 2006).
47. See Transcript of Hearing Held on October 26, 2006, Dkt. No. 4932, In re Congoleum Corp., No. 03-51524 (Bankr. D. N.J. December 6, 2006), p. 27.
48. See, e.g., Motion of First State Insurance Company And Twin City Fire Insurance Company For Summary Judgment Denying Confirmation Of The Debtors' Tenth Modified Plan, Dkt. No. 4703, In re Congoleum Corp., No. 03-51524 (KCF) (Bankr. D.N.J. Oct. 10, 2006).
49. Opinion, First State Insurance Company and Twin City Fire Insurance Company's Motion for Summary Judgment Denying Confirmation of the Debtor's

- Tenth Modified Plan, Dkt. No. 5091, *In re Congoleum Corp.*, No. 03-51524 (KCF) (Bankr. D.N.J. Feb. 1, 2007) at 46. *See also* Order Granting in Part and Denying in Part Motions for Summary Judgment Regarding the Tenth Modified Plan of Reorganization, Dkt. No. 5093, *In re Congoleum Corp.*, No. 03-51524 (KCF) (Bankr. D.N.J. Feb. 1, 2007).
50. *See Id.* at 4-6 (standing), 6-17 (whether contributions are "fair and equitable"), 18-29 (classification).
51. Opinion, Motion of the Debtors and the Official Committee of Unsecured Asbestos Claimants for Summary Judgment That the Second Modified Joint Plan of Reorganization of Continental Casualty Co. and Continental Ins. Co. Is Unconfirmable As A Matter of Law, Dkt. No. 5092, *In re Congoleum Corp.*, No. 03-51524 (KCF) (Bankr. D.N.J. Feb. 1, 2007) at 3, 10. *See also* Order Granting in Part and Denying in Part Motion for Summary Judgment Regarding CNA's Second Modified Joint Plan of Reorganization, Dkt. No. 5094, *In re Congoleum Corp.*, No. 03-51524 (KCF) (Bankr. D.N.J. Feb. 1, 2007).
52. *See, e.g.*, Order Granting Motion Further Extending the Debtor's Exclusive Periods Within Which To File and Solicit Acceptances of an Amended Plan of Reorganization, Dkt. No. 1324, *In re Burns & Roe Enterprises* (Bankr. D.N.J. June 29, 2005) (granting debtor's fifteenth extension of exclusivity); Order Pursuant to Bankruptcy Code Section 1121(d) Extending Debtors' Exclusive Periods in Which to File a Chapter 11 Plan and to Solicit Votes Thereon, Dkt. No. 13345, *W.R. Grace & Co.*, No. 01-01139 (Bankr. D. Del. Oct. 3, 2006); Order Pursuant To 11 U.S.C. § 1121(d) Extending Exclusive Periods During Which Debtors May File A Chapter 11 Plan And Solicit Acceptances Thereof, Dkt. No. 6471 *G-I Holdings, Inc.*, No. 01-30135 (Bankr. D.N.J. Nov. 15, 2006).
53. 11 U.S.C. § 524(g)(B)(i)(III).
54. 11 U.S.C. § 1121(d)(2)(A).
55. 11 U.S.C. § 503(c)(1).
56. *See* 11 U.S.C. § 362(b). And where a bankruptcy court has enjoined claims against non-debtor affiliates, claim resolutions against those non-debtor companies may also be halted for prolonged periods. *See, e.g.*, Injunction Pursuant to 11 U.S.C. §§ 105(a) And 362(a) And Federal Rule Of Bankruptcy Procedure 7065, Dkt. No. 122, *In re Quigley Co.*, No. 04-4262 (Bankr. S.D.N.Y. Dec. 17, 2004).
57. Stephen J. Carroll, Deborah Hensler, Jennifer Gross, Elizabeth M. Sloss, Matthias Schonlau, Allan Abrahamse, and J. Scott Ashwood, *Asbestos Litigation*, at xxi & 26, Rand Institute For Civil Justice (2005).
58. *Id.* at xxii.
59. *Id.* at xxxii.
60. *Id.* at xxx.
61. *See In re Silica Products Liability Litigation*, 398 F. Supp.2d 563 (S.D. Tex. 2005).
62. Lester Brickman, *On the Applicability of the Silica MDL Proceeding To Asbestos Litigation*, *Conn. Ins. L.J.* Vol. 12, at 35 (Fall 2006).
63. *See* S. No. 852, 109th Cong. (2005). For a summary of the FAIR Act, *see* James Stengel, "The Asbestos End-Game," 62 *NYU Ann. Survey of Am. L.* 223, 242-48 (2006).
64. *See* Notice of Occurrence of Effective Date of Fourth Amended Plan of Reorganization of Armstrong World Industries, Inc., As Modified, *In re Armstrong World Indus., Inc.*, No. 00-4471(JFK) (Bankr. D. Del. Oct. 4, 2006). *See also In re Armstrong World Indus., Inc.*, 348 B.R. 136 (D. Del. 2006) (confirming the fourth amended plan).
65. *See In re Armstrong World Indus., Inc.*, 432 F.3d 507 (3d Cir. 2005). *See also* Memorandum and Order, Dkt. Nos. 7899 & 7900, *In re Armstrong World Indus., Inc.*, No. 00-4471 (Bankr. D. Del. Feb. 23, 2005); Opinion of the Court and Order, Dkt. Nos. 8935 & 8936, *In re Armstrong World Indus., Inc.*, No. 00-4471 (Bankr. D. Del. Jan. 5, 2006).
66. *See In re Armstrong World Indus., Inc.*, 348 B.R. 136 (D. Del. 2006).

67. Fourth Amended Plan of Reorganization of Armstrong World Industries Inc., as Modified, Dkt. No. 9116, In re Armstrong World Indus., No. 00-4471(JFK) (Bankr. D. Del. Nov. 21, 2006).
68. See Charles Bates and Charles Mullin, *Having Your Tort And Eating It Too?*, Mealey's Asbestos Bankruptcy Report, Vol. 6, No. 4, (Nov. 2006), at 4.
69. Order Confirming the Joint Plan of Reorganization as of September 28, 2005, as Amended Through January 17, 2006, Proposed by the Debtors, the Asbestos Claimants' Committee, The Future Asbestos-Related Claimants' Representative, and McDermott Incorporated and Issuing Injunctions, Dkt. No. 7053, In re Babcock & Wilcox Co., No. 00-10992 (Bankr. E.D. La., Jan. 18, 2005).
70. See Charles Bates and Charles Mullin, *Having Your Tort And Eating It Too?*, Mealey's Asbestos Bankruptcy Report, Vol. 6, No. 4, (Nov. 2006), at 4.
71. Order Confirming (and Recommending Affirmance by the U.S. District Court) Debtor's Plan of Reorganization as Modified Through October 7, 2005 and Setting Bar Dates to File Certain Claims in Paragraphs 50, 51, 52, 53 and 73, Dkt. No. 2752, In re Combustion Engineering, Inc., No. 03-10495 (Bankr. D. Del. Dec. 19, 2005); Order Confirming the December 19, 2005 Confirmation Order, Dkt. No. 2890, In re Combustion Engineering, Inc., No. 03-10495 (Bankr. D. Del. March 2, 2006).
72. See Findings Of Fact And Conclusions Of Law Regarding Confirmation Of Combustion Engineering, Inc.'s Plan Of Reorganization, As Modified Through October 7, 2005, Dkt. No. 2753, In re Combustion Engineering, No. 03-10495 (Bankr. D. Del. Dec. 19, 2005) at 13, 16-7, 24, 29. See also Motion To Approve Settlement Agreement And Complete Policy Release Between the CE Parties and Westport, Dkt. No. 2893, In re Combustion Engineering, No. 03-10495 (Bankr. D. Del. March 3, 2006), approved by Order Authorizing And Approving Settlement Agreement and Complete Policy Release Between CE and Westport, Dkt. No. 2911, In re Combustion Engineering, No. 03-10495 (Bankr. D. Del. March 21, 2006); Motion to Approve Settlement Agreement And Release Among CE, Century Indemnity Company, and Other ACE Insurers, Dkt. No. 2869, In re Combustion Engineering, No. 03-10495 (Bankr. D. Del. February 21, 2006), approved by Order Authorizing and Approving Settlement Agreement and Release Among CE, Century Indemnity Company, and Other ACE Insurers, Dkt. No. 2910 In re Combustion Engineering, No. 03-10495 (Bankr. D. Del. March 21, 2006); Motion to Approve Settlement Agreement and Complete Policy Release Between The CE Parties And The EMC Parties, Dkt. No. 2820, In re Combustion Engineering, No. 03-10495 (Bankr. D. Del. January 27, 2006), approved by Order Authorizing And Approving Settlement Agreement And Complete Policy Release Between The CE Parties And The EMC Parties, Dkt. No. 2863, In re Combustion Engineering, No. 03-10495 (Bankr. D. Del. February 17, 2006); Motion to Approve Combustion Engineering, Inc. To Approve Settlement Agreement And Release Between The CE Parties And Evanston, Dkt. No. 1426, In re Combustion Engineering, No. 03-10495 (Bankr. D. Del. January 16, 2004), approved by Order Authorizing And Approving Compromise And Settlement With Evanston Insurance Company, Dkt. No. 1474 In re Combustion Engineering, No. 03-10495 (Bankr. D. Del. February 12, 2004).
73. See Order Confirming First Amended Joint Plan of Reorganization Dated August 5, 2005 and Granting Related Relief, Dkt. No. 1455 In re J.T. Thorpe, Inc., No. LA02-14216-BB (Bankr. C.D. Cal. Jan. 17, 2006). This is a different company than J.T. Thorpe Co., which was a debtor in an asbestos bankruptcy case in Houston. See In re JT Thorpe Co., 308 B.R. 782 (Bankr. S.D. Tex. 2003).
74. See *Id.*
75. See Order Confirming the Sixth Amended Joint Plan of Reorganization for Owens Corning and its Affiliated Debtors and Debtors-in-Possession (As Modified), Dkt. No. 19366, In re Owens Corning No. 00-03837 (Bankr. D. Del. Sept. 26, 2006).
76. See Order Confirming the Sixth Amended Joint Plan of Reorganization for Owens Corning and its Affiliated Debtors and Debtors-in-Possession (As Modified), Dkt. No. 19391, In re Owens Corning No. 00-03837 (Bankr. D. Del. Sept. 28, 2006).

77. See Charles Bates and Charles Mullin, *Having Your Tort And Eating It Too?*, Mealey's Asbestos Bankruptcy Report, Vol. 6, No. 4, (Nov. 2006), at 4.
78. See Order Confirming Plan Proponents' Third Amended Joint Plan of Reorganization Pursuant to Chapter 11 of the United States Bankruptcy Code, Dkt. No. 1675, In re Plibrico Co., No. 02 B 09952 (Bankr. N.D. Ill. Jan. 30, 2006).
79. See Third Amended Joint Reorganization Plan Of Plibrico Company, et al., Dkt. No. 1672, In re Plibrico Company, No. 02-09952 (Bankr. N.D. Ill. Jan. 30, 2006) at 1-2.
80. See Order Confirming Third Amended Plan or Reorganization of Porter Hayden Company, as Modified, Dkt. No. 1054, In re Porter-Hayden Co., No. 02-54152 (Bankr. D. Md. July 5, 2006).
81. See Order Affirming Bankruptcy Court Order Confirming Third Amended Plan of Reorganization of Porter Hayden Company, as Modified, Dkt. No. 1063, In re Porter-Hayden Co., No. 02-54152 (Bankr. D. Md. July 7, 2006).
82. See Gardner M. Duvall and Gail D. Spielberger, *Insurance Neutrality In Asbestos Liability Reorganizations*, Mealey's Asbestos Bankruptcy Report, Vol. 6, No. 2, at 7 (Aug. 2006).
83. See Order Approving Settlement Agreement with the Hartford Parties and Authorizing the Sale of the Porter Hayden Subject Policies Free and Clear of Liens, Claims, Interests and Other Encumbrances, Dkt. No. 1012, In re Porter Hayden Co., No. 02-54152 (Bankr. D. Md. May 3, 2006) at 8; Application to Compromise Controversy with North Star Reinsurance Company, Dkt. No. 1025, In re Porter Hayden Co., No. 02-54152 (Bankr. D. Md. May 23, 2006) at 4, approved by Order Granting Debtor's Motion for Entry of an Order Approving Settlement with North Star Reinsurance Corp., Dkt. No. 1043, In re Porter Hayden Co., No. 02-54252 (Bankr. D. Md. June 20, 2006); Application to Compromise Controversy with Fireman's Fund Ins. Comp., Dkt. No. 713, In re Porter Hayden Co., (Bankr. D. Md. June 29, 2005) at 5, approved by Order Granting Debtor's Motion for Entry of an Order Approving Settlement with Fireman's Fund Ins. Comp., Dkt. No. 778, In re Porter Hayden Co., No. 02-54152 (Bankr. D. Md. Aug. 15, 2005).
84. See Order Confirming the First Amended Joint Plan of Reorganization of USG Corporation and Its Debtor Subsidiaries, as Modified, Dkt. No. 11688, In re USG Corp., No. 01-2094 (Bankr. D. Del. June 15, 2006).
85. See Charles Bates and Charles Mullin, *Having Your Tort And Eating It Too?*, Mealey's Asbestos Bankruptcy Report, Vol. 6, No. 4, (Nov. 2006), at 4.
86. *Id.*
87. See Daniel Fisher, *Double-Dippers Aided by Their Lawyers and Secrecy Oaths, Asbestos Victims are Finding Bankruptcy Trusts Easy Pickings*, Forbes (Sept. 4, 2006) at 137.
88. See Charles Bates and Charles Mullin, *Having Your Tort And Eating It Too?*, Mealey's Asbestos Bankruptcy Report, Vol. 6, No. 4, (Nov. 2006), at 2.
89. See *Id.* at 3.
90. See Daniel Fisher, *Double-Dippers Aided by Their Lawyers and Secrecy Oaths, Asbestos Victims are Finding Bankruptcy Trusts Easy Pickings*, Forbes (Sept. 4, 2006) at 137.
91. Kimberley A. Strassel, *Trusts Busted: The Seamy Underside of Asbestos Litigation*, Wall St. J. (Dec. 5, 2006), at 4. See also Volkswagen of America, Inc. v. Superior Court, 139 Cal. App.4th 1481, 43 Cal. Rptr.3d 723 (2006) (most documents submitted to a bankruptcy trust by a claimant in support of a claim for compensation are discoverable); Seariver Maritime, Inc. v. Superior Court, 2006 WL 2105431 (Cal. App. July 28, 2006) (factual information in claim forms is relevant); Link v. Ahlstrom Pumps, LLC, No. CV-05-565305 (Cuyahoga Cty., Ohio Court of Common Pleas Dec. 1, 2006) (ordering production of documents provided to any trust).
92. For instance, Owens-Illinois asked the court overseeing asbestos claims in Cuyahoga County, Ohio to amend the case management order to condition assigning a case for trial on the plaintiff's filing of a

list of all bankruptcy trusts to which the plaintiff is or will be entitled to submit a proof of claim together with copies of all claim forms. *See* Defendant Owens-Illinois, Inc.'s Motion to Amend CMO And Memorandum In Support, In re All Asbestos Cases, No. CV-073958 (Cuyahoga Cty. Ohio Common Pleas Ct. Sep. 29, 2006). In a 2003 CMO issued in the Asbestos Personal Injury Litigation in Kanawha County, West Virginia, the court required that:

Each Plaintiff or his/her personal representative shall execute a sworn affidavit at least sixty (60) days before the discovery deadline identifying those Defendants against which he/she or his/her estate has or will be filing the necessary documents in any bankruptcy

proceeding to seek compensation for his/her asbestos-related personal injury. . . . When requested, the Plaintiff shall provide the documents filed in any or all bankruptcy proceedings. . . . The failure of the Plaintiff to abide by this provision will result in his/her case being stricken from the Trial Group and not being reassigned for 240 days. When appropriate, the Court can require each Plaintiff to disclose the total amount received or expected to be received from the bankruptcy proceedings.

See Case Management Order, In re Asbestos Personal Injury Litigation, No. 03-C-9600 (Cir. Ct. Kanawha Cty., W.Va. March 25, 2003) at 21. ■

MEALEY'S ASBESTOS BANKRUPTCY REPORT

edited by Lisa Schaeffer

The Report is produced monthly by



1018 West Ninth Avenue, 3rd Floor, King of Prussia Pa 19406, USA

Telephone: (610) 768-7800 1-800-MEALEYS (1-800-632-5397)

Fax: (610) 962-4991

Email: mealeyinfo@lexisnexis.com Web site: <http://www.lexisnexis/mealeys>

ISSN 1537-2065