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Commentary

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Since 2001, we have been reporting in these pages on the status of asbestos-related bankruptcy cases.¹ In our last report, published in March, 2009, we observed that the pace of asbestos-related bankruptcy filings had begun to pick up somewhat, that some of the previously-filed bankruptcy cases had moved toward an exit, and that some asbestos bankruptcy cases were resolved, or may be resolved, without § 524(g) relief.

Since then, there have been several new asbestos bankruptcy filings, but the pace of new filings has slowed. The nature of debtors seeking bankruptcy relief due to asbestos-related claims seems to be shifting, as are the reasons they may seek to do so. Discovery from co-defendants regarding claims filed against existing bankruptcy trusts remains a hotly contested issue, as is the claims estimation issue. Other perennial issues, such as insurance neutrality, insurer standing, and preemption of anti-assignment provisions in insurance policies, have retained prominence in decided cases.

This article updates our last five by noting the asbestos-related bankruptcies that have been filed since our 2009 article, summarizing some key developments in asbestos bankruptcies that were pending when we last wrote, and discussing some of the significant themes that have developed in these cases. At the end of the article, before the endnotes, 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/asbestosbankruptcy, and we intend to continue to keep these charts up-to-date on our web site as a resource available to those interested in this field.²

1. Who Filed the Most Recent Asbestos Bankruptcies?

Plant Insulation. Plant Insulation Company filed a voluntary petition under Chapter 11 on May 20, 2009 in the U.S. Bankruptcy Court for the Northern District of California. Plant had been in the business of selling, installing, and repairing insulation, including asbestos-containing insulation products,³ but it had ceased doing business in 2001. At the time of its bankruptcy filing, it claimed that it was a defendant in thousands of asbestos-related lawsuits.⁴

In January, 2006, Plant commenced a declaratory judgment action against its insurers in California state court, seeking a determination regarding the existence of coverage for its asbestos liabilities.⁵ A key issue in the coverage litigation is whether Plant's insurers – who claim that their policies' aggregate limits were exhausted by the pre-petition payment of claims against Plant – are obligated to provide additional coverage, on the theory that the claims against Plant are "operations claims" (sometimes called "non-products claims") not subject to the policies' aggregate limits. On July 12, 2010, the Bankruptcy Court entered an order modifying the automatic stay to permit the coverage action to continue.

On May 2, 2011, Plant, the ACC, and the FCR filed a Second Amended Plan of Reorganization and a disclosure statement relating thereto.⁶ The plan provides for the merger of Plant and a small Northern California insulation contractor, Bayside Insulation & Construction, with Plant as the surviving entity and the reorganized debtor using Bayside's name.⁷ The plan proponents sought the merger of Plant and Bayside (a non-debtor, and not an affiliate of Plant) in order to establish an operating business for Plant, to satisfy the requirements of § 524(g).⁸ They claimed that the merger was also intended to settle successor liability claims that had been alleged against Bayside in a handful of state court suits filed pre-petition.⁹ The plan provides that the § 524(g) trust that would be formed if the plan is confirmed would use insurance settlement proceeds to infuse money into Bayside, thus purportedly making the reorganized debtor feasible as required by § 1129(a)(11) of the Bankruptcy Code. The insurers argued that plan provisions requiring the trust to fund Bayside turned § 524(g) on its head, since the statute requires that the debtor fund the trust.

The plan also contained a channeling injunction that would bar non-settled insurers from asserting contribution claims against insurers that had settled disputed coverage claims with Plant, without providing compensation for the enjoined contribution claims. This was significant because the plan provided that, following confirmation, asbestos claimants would be permitted to sue the reorganized debtor in the tort system for the purpose of establishing liability and attempting to access insurance issued by the non-settled insurers. The non-settled insurers would be

called upon to defend and pay the tort system claims, but without being able to assert contribution claims against settled insurers as permitted under California law. This too made the plan unique, according to the insurers.

Plant's non-settled insurers filed a motion for summary judgment asserting that the plan could not be confirmed as a matter of law because of its treatment of their contribution rights.¹⁰ The bankruptcy court agreed that the plan should include a provision that "adequately preserves the non-bankruptcy rights of the non-settling insurers" to receive "a credit against their liability" in direct actions that could be pursued by asbestos claimants under the plan.¹¹ The plan proponents then filed a plan amendment which merely stated that non-settled insurers could assert a claim for a credit, offset, or judgment reduction in a direct action.¹² The insurers filed a second summary judgment motion asserting that the plan, as amended, still did not provide sufficient compensation for their enjoined contribution rights.¹³ The court agreed that the plan's treatment of insurers' contribution rights was still inadequate,¹⁴ but before the court issued a formal ruling, plan proponents filed another plan amendment,¹⁵ which the court held would be considered at the confirmation hearing, where plan proponents would be required to show that the injunction barring the non-settled insurers from asserting contribution claims was fair and equitable to the non-settled insurers, and that neither side would be "grossly and systematically over or under-compensated" if the injunction issued.¹⁶

Plant's insurers objected to confirmation of the plan on a variety of grounds, including (i) the injunction against contribution claims was not "fair and equitable," (ii) Plant is not a going concern and the reorganized debtor will not be feasible, (iii) the plan was not proposed in good faith, and (iv) the plan does not satisfy the requirements of § 524(g).¹⁷

The bankruptcy court held a confirmation hearing from December 5 to 14, 2011, and heard closing arguments on January 12, 2012. The bankruptcy court has not yet ruled.

General Motors. On June 1, 2009, General Motors Corporation and certain of its subsidiaries filed Chapter 11 petitions in the U.S. Bankruptcy Court for the

Southern District of New York.¹⁸ Days later, the bankruptcy court approved the sale of substantially all of the company's assets to a new U.S. Government-financed company now known as General Motors Company ("New GM"); the debtor company was renamed Motors Liquidation Company.¹⁹ Motors Liquidation retained certain assets and substantial liabilities, including liability for asbestos personal injury claims against General Motors.²⁰ According to the debtors, approximately 29,000 asbestos personal injury claims were pending against General Motors as of the petition date.²¹

On June 7, 2009, an ad hoc committee of asbestos claimants filed a motion seeking the appointment of an ACC and an FCR.²² Ultimately, an FCR was appointed pursuant to the debtors' motion,²³ and the U.S. Trustee appointed an ACC.²⁴

Debtors filed a plan of liquidation and a related disclosure statement on August 31, 2010.²⁵ On October 14, 2010, the FCR objected to the adequacy of the disclosure statement, arguing that it should not be approved because it described a patently unconfirmable plan because, *inter alia*, it improperly relied on § 105(a) of the Bankruptcy Code to effect the trust-injunction mechanism set forth in § 524(g) of the Bankruptcy Code without satisfying the requirements of § 524(g).²⁶

On December 7, 2010, debtors filed an amended plan of liquidation and disclosure statement. Pursuant to the amended plan, asbestos personal injury claims would be channeled to a trust funded with \$625 million, an amount that was equivalent to debtors' estimate of their total current and future asbestos-related liabilities. Asbestos claims against debtors and certain third parties, including New GM and debtors' insurers, would be enjoined.²⁷ The ACC and FCR argued that debtors' proposed trust funding was materially less than debtors' actual aggregate liability for present and future asbestos claims, while the committee representing non-asbestos creditors argued that the \$625 million reserve was much more than debtors' aggregate liability.²⁸ Debtors, the two committees, and the FCR engaged in estimation-related litigation,²⁹ and ultimately entered into a stipulation, later approved by the court, that estimated debtors' aggregate asbestos liability at \$625 million.³⁰

On March 29, 2011, the bankruptcy court confirmed the Motors Liquidation Chapter 11 plan. Pursuant to the plan, current and future asbestos personal injury claims were channeled to a trust pursuant to an injunction issued under § 105(a) of the Bankruptcy Code. The trust, which will resolve and pay claims pursuant to trust distribution procedures, was funded with \$2 million in cash, and a claim for the aggregate amount of GM's asbestos liabilities – \$625 million – which was treated under the plan as an allowed unsecured claim. The trust did not receive any of GM's insurance policies or rights to those policies.

Durabla. On December 15, 2009, Durabla Manufacturing Company filed a Chapter 11 petition in the U.S. Bankruptcy Court for the District of Delaware. Durabla formerly distributed sheet gasket material and cut gaskets, some of which may have contained asbestos.

As of the petition date, Durabla claimed to have approximately 180,000 asbestos claims pending against it.³¹ Shortly after the petition was filed, Durabla Canada, a company sharing ownership of Durabla, filed an adversary proceeding seeking a declaration that it was not liable for Durabla's asbestos liabilities under alleged alter-ego theories and an order that it would not be required to use its assets to pay Durabla's asbestos liabilities.³² On November 8, 2010, Durabla Canada filed its own Chapter 11 petition, which is being jointly administered with Durabla's case.³³

On May 18, 2010, a group of asbestos personal injury plaintiffs moved to dismiss Durabla's bankruptcy case, arguing that it was filed in bad faith for the improper purpose of protecting its officers and corporate affiliates because Durabla itself is not conducting business and has no business to reorganize.³⁴ Durabla opposed the motion, arguing that the bankruptcy proceeding would preserve and maximize assets for creditors' benefit and establish an equitable means for distributing those assets.³⁵ Durabla also argued that the automatic stay preserved its remaining insurance coverage for the benefit of the asbestos creditors. On October 6, 2010, the bankruptcy court denied the motion without explanation.³⁶ The asbestos plaintiffs moved the bankruptcy court to reconsider its ruling,³⁷ but the court has not ruled on the motion.

On September 21, 2011, Durabla and Durabla Canada filed a § 524(g) plan of reorganization jointly with the ACC and the FCR, along with a disclosure statement describing the plan.³⁸ After the bankruptcy court approved the disclosure statement, Durabla Canada and two of its insurers reached an agreement in principle whereby the insurers would pay a total of \$4.9 million (Canadian) to the proposed § 524(g) trust and receive protection under the proposed § 524(g) injunction.³⁹ Debtors filed a motion to approve a supplemental disclosure statement describing proposed changes to the plan pursuant to that settlement, which has not yet been heard by the court. No date for the hearing on plan confirmation has yet been scheduled.

Specialty Products/Bondex. Specialty Products Holding Corp., a holding company, and one of its subsidiaries, Bondex International, filed Chapter 11 petitions on May 31, 2010 in the U.S. Bankruptcy Court for the District of Delaware.⁴⁰ The cases are being jointly administered.⁴¹ On the same day, the debtors filed an adversary proceeding seeking to extend the automatic stay to asbestos claims against RPM International, the debtors' parent company.⁴²

On July 20, 2011, the court entered an order authorizing debtors to issue a personal injury questionnaire ("PIQ") to all mesothelioma claimants with a lawsuit pending against debtors, and ordered that responses be filed 90 days after the date the PIQ was served.⁴³ The approved PIQ seeks information about the claim, the law firm representing the claimant, the disease diagnosis, alleged exposure to debtors' products or to other asbestos-containing products, litigation relating to the alleged asbestos exposure, and claims submitted to asbestos trusts.⁴⁴ The court has scheduled an estimation hearing to be held from July 9-13, 2012.⁴⁵

On November 14, 2011, the ACC and the FCR moved for an order authorizing them to prosecute, on behalf of debtors' estates, an avoidance action against RPM.⁴⁶ The ACC and the FCR argue that RPM engaged in a "decade-long plan to unfairly and fraudulently escape" its asbestos liabilities, and that RPM, its subsidiaries, officers, directors, and attorneys "undertook a course of conduct that ultimately resulted in the transfer of approximately 75% of the Debtors' assets to a Byzantine corporate structure consisting of a series of holding companies and

subsidiaries."⁴⁷ The ACC and the FCR further claim that RPM destroyed hard drives and other computer equipment containing relevant historical information, and that the destruction occurred during the planning for debtors' bankruptcy and after RPM was sued in asbestos-related cases alleging successor liability.⁴⁸ RPM and debtors filed objections to the ACC's and FCR's motion.⁴⁹ A hearing was held on this motion on January 23, 2012, during which debtors' counsel reported that he was negotiating a tolling agreement.

Garlock. On June 5, 2010, Garlock Sealing Technologies, a manufacturer of fluid-sealing products, including gaskets and packing materials, filed a Chapter 11 petition in the U.S. Bankruptcy Court for the Western District of North Carolina. Co-debtors with Garlock are Garrison Litigation Management Group, an affiliate that was created in 1996 to manage the defense and settlement of asbestos claims against Garlock, and Anchor Packing, a former subsidiary of Garlock which ceased doing business in 1994 and is now a subsidiary of Garrison.⁵⁰ According to the petition, thousands of unliquidated asbestos claims are pending against Garlock in state and federal courts.⁵¹ Garlock asserts that, as a result of the dozens of bankruptcy filings by former asbestos co-defendants over the years, it has been forced to pay "more than its share" of liability for asbestos claims, and plans to use its bankruptcy case as a means of "determining and resolving [debtors'] true liability for Asbestos Claims."⁵²

On August 31, 2010, Garlock filed a motion to (i) establish an asbestos claims bar date, (ii) approve an asbestos proof of claim form, and (iii) estimate its current and future liability for asbestos claims.⁵³ Garlock argued that, in order to "determine the amount of trust funding necessary to satisfy Garlock's true responsibility for present and future asbestos claims," a "two-step process" was required: "claims allowance and claims estimation."⁵⁴ Garlock argued that the bar date and claims allowance process is a "necessary first step" to determining the amount and number of asbestos claims against Garlock, which Garlock ultimately will rely upon for purposes of estimating its aggregate liability and the contribution it must make to a § 524(g) trust.⁵⁵ The ACC objected to the bar date motion, arguing that (i) proofs of claim are impractical and have not been required in asbestos bankruptcy cases, (ii) Garlock's proposed claims

allowance process would require an inordinate amount of time and expense, and (iii) the bankruptcy court lacks jurisdiction to determine the validity of personal injury claims.⁵⁶

On December 9, 2010, the bankruptcy court denied the bar date motion without prejudice.⁵⁷ Pursuant to the order, the parties were given until May 12, 2011 to engage in discovery to obtain asbestos claims data and other evidence to support their respective experts' theories and analyses for purposes of estimating Garlock's asbestos liabilities. The order also permitted the ACC and the FCR to investigate pre-petition related-entity transfers. Garlock renewed the bar date motion on May 3, 2011,⁵⁸ and the bankruptcy court denied the renewed motion on May 19, 2011.⁵⁹

Garlock's claims estimation process is ongoing. The bankruptcy court ruled that Garlock would be permitted to require persons who had asserted asbestos claims against Garlock as of the petition date based on an alleged mesothelioma diagnosis to provide information specified in a questionnaire and set November 1, 2011 as the deadline for responses.⁶⁰ On December 2, 2011, debtors filed a motion for estimation of present and future asbestos claims, beginning with mesothelioma claims, and proposed that the estimation hearing start in December, 2012.⁶¹ Garlock also moved to set a bar date applicable to questionnaire responders, because of the low number of responses to the questionnaire,⁶² to compel responses to its questionnaire, and to disallow claims of non-complying mesothelioma claimants as a sanction for their continuing failure to respond to the questionnaire as ordered by the court.⁶³ These motions have not yet been decided.

On November 28, 2011, debtors filed a joint plan of reorganization and a proposed disclosure statement.⁶⁴ The plan proposes to establish a § 524(g) trust which would be funded by a \$60 million cash contribution and a promissory note with a net present value of \$140 million, which would be guaranteed by Garlock's parent and secured by 51% of the voting stock of Reorganized Garlock and Reorganized Garrison.⁶⁵ According to the plan, Reorganized Garlock would pay all allowed current asbestos claims in full in cash, and the § 524(g) trust would pay future asbestos claims in full in cash.⁶⁶ Claimants may be paid pursuant to a settlement option under the terms of the

Claims Resolution Procedures, or claimants may chose to litigate their claims against Reorganized GST or the trust. Persons whose claims are on a court's inactive docket would receive a medical monitoring payment from the trust, and if the claimant is later diagnosed with an asbestos-caused cancer, the claimant would be eligible to recover from the trust pursuant to the Claims Resolution Procedures. If the plan is confirmed, all future and inactive asbestos claims would be channeled to the trust, and unless otherwise provided, claimants would be enjoined from pursuing their claims against the debtors, the reorganized debtors, and other parties protected under the channeling injunction.⁶⁷

Leslie Controls. On July 12, 2010, Leslie Controls filed a voluntary petition under Chapter 11 in the U.S. Bankruptcy Court for the District of Delaware. Leslie's case was a "pre-negotiated bankruptcy" – on the petition date, the debtor filed a plan that had been agreed to by counsel for asbestos claimants and an FCR appointed by debtor pre-petition, but voting on the plan took place post-petition, after a disclosure statement was approved by the court. An amended plan and disclosure statement were filed in August, 2010.⁶⁸ Leslie's plan proposed to establish a trust under § 524(g) and a channeling injunction that would channel to the trust all asbestos-related claims and demands against Leslie, its parent company CIRCOR International, CIRCOR's affiliated entities, and Leslie's former parent Watts Water Technologies and its affiliates.⁶⁹

Leslie's insurers objected to the plan's treatment of insurance.⁷⁰ The insurers also objected to the FCR's appointment, arguing that he was not "disinterested" as required by the Bankruptcy Code because he was hired by Leslie before the bankruptcy was filed.⁷¹

During discovery, the court resolved a dispute over Leslie's objections to document discovery sought by the insurers. The insurers sought production of legal memos prepared by Leslie's counsel regarding its insurance claims that Leslie shared with lawyers for claimants and the FCR before they all reached agreement on a plan. Leslie, the ACC, and the FCR argued that the documents at issue were protected from discovery by a "common interest" privilege; the insurers argued that any such privilege could not protect documents exchanged among parties who at the time were

engaged in plan negotiations with one another. The bankruptcy court sustained the objections and ruled that common interest privilege was applicable to the documents.⁷²

In October, 2010, three months after the petition was filed, the bankruptcy court held a confirmation hearing. At the outset, the court found that Leslie's insurers lacked standing to participate in the confirmation hearing.⁷³ The bankruptcy court then confirmed Leslie's plan.⁷⁴ After several appeals were taken and fully briefed in the district court, the plan proponents and Leslie's insurers resolved their disputes through agreed "insurance neutrality" amendments to the plan and confirmation order. The insurers withdrew their confirmation objections and appeals based on the negotiated resolution of their concerns, and the plan was confirmed by the district court on January 18, 2011.⁷⁵

Triple A. Triple A Machine Shop filed a voluntary Chapter 7 case on August 16, 2010 in the U.S. Bankruptcy Court for the Northern District of California. Soon after, several law firms representing asbestos claimants, and some individual asbestos claimants, sought relief from the automatic stay to continue prosecuting claims against Triple A in the tort system.⁷⁶ An ad hoc committee of asbestos creditors, comprised of attorneys for asbestos claimants, supported the stay relief motions.⁷⁷ The bankruptcy court granted the stay relief motions on November 9, 2010, pursuant to an agreed form of order that ensured that Triple A's insurers would receive prompt notice of any new asbestos suits.⁷⁸

On July 26, 2011, the Chapter 7 trustee moved to permit Triple A's insurers to review the company's business records, select the records the insurers wished to retain in connection with their ongoing defense of asbestos claims against Triple A, and then destroy the remaining records.⁷⁹ The ad hoc committee objected to the motion, arguing that asbestos claimants against Triple A had an interest in reviewing debtor's business records for purposes of establishing their claims.⁸⁰ The Chapter 7 trustee, the insurers, and the ad hoc committee ultimately resolved their dispute through an agreed order providing that the insurers would retain custody of debtor's relevant records on debtor's behalf, but permit asbestos plaintiffs' firms to access

the documents through discovery in underlying tort cases.⁸¹

Pulmosan. Pulmosan Safety Equipment Corp. filed a Chapter 7 petition on November 15, 2010 in the U.S. Bankruptcy Court for the Southern District of New York.⁸² Pulmosan had filed a certificate of dissolution under New York law in 1986 and has remained in wind-up since that time because numerous individuals have asserted lawsuits alleging that Pulmosan's industrial safety equipment did not adequately protect them, resulting in injury from asbestos, silica, and/or other mixed dust.⁸³ Pulmosan's insurer, First State, defended and paid certain of the underlying claims, but the \$48 million aggregate limits of First State's policies were approaching exhaustion pre-petition.⁸⁴ First State thus engaged in discussions with Pulmosan's sole remaining officer and principal regarding a possible bankruptcy filing to address the claims against Pulmosan in a fair and equitable manner, ultimately leading to Pulmosan's Chapter 7 petition.⁸⁵ An interim Chapter 7 trustee was appointed shortly after the case was filed. No claims filing deadline has been established and the case has been dormant.

State Insulation. On February 23, 2011, State Insulation Corp. filed a voluntary petition under Chapter 11 in the U.S. Bankruptcy Court for the District of New Jersey. State Insulation's bankruptcy case and plan were "pre-negotiated," with debtor reaching agreement pre-petition with its selected putative FCR and representatives of asbestos claimants on the key terms of a proposed § 524(g) plan.⁸⁶ According to debtor, it was first named as a defendant in asbestos-related lawsuits in 1978, but was able to have many cases dismissed based on evidence showing that it had not sold asbestos-containing products to the claimant's employers or jobsite.⁸⁷ The claims asserted against State Insulation have declined significantly since 1998, with only 39 claims filed against it in 2009. As of the petition date, 90 asbestos-related claims were pending against it.⁸⁸ State Insulation sought bankruptcy protection because while the overall claims against it had decreased, the number of mesothelioma claims against it had increased, and the decrease in the number of solvent co-defendants had led to increasing costs to resolve claims. Thus, debtor did not believe that it would be able to sustain the defense and resolution of remaining and anticipated claims

against it from its remaining insurance and operating cash flow.⁸⁹

On January 20, 2012, State Insulation filed a second amended Chapter 11 plan of reorganization and disclosure statement.⁹⁰ The plan proposes to establish a § 524(g) trust that would be funded by a \$1.3 million promissory note and \$350,000 cash, along with the right to receive proceeds from State Insulation's asbestos insurance.⁹¹ No objections to the plan were filed. The confirmation hearing was held on January 23, 2012, and on February 10, 2012, the bankruptcy court recommended that the district court enter an order confirming the plan.⁹²

United Gilsonite. On March 23, 2011, United Gilsonite Laboratories ("UGL") filed a voluntary Chapter 11 petition in the U.S. Bankruptcy Court for the Middle District of Pennsylvania.⁹³ UGL says that it is a small family-owned company that manufactures wood and masonry finishing products and paint sundries.⁹⁴ From 1954 to 1975, UGL manufactured asbestos-containing joint compound, which it sold in small quantities to lumber, hardware, and paint stores; its total revenue from sales of that product was \$965,000.⁹⁵ UGL began to be sued for asbestos-related personal injury and wrongful death in 1983. UGL and its insurers have paid over \$25 million in settlements, and currently are defending approximately 900 pending cases.⁹⁶ UGL asserts that it is not in need of financial restructuring, but filed for bankruptcy in order to seek relief under § 524(g) to address its current and future asbestos liabilities in the face of its dwindling insurance coverage.⁹⁷ UGL has not yet filed a proposed plan.

C.P. Hall. On June 24, 2011, C.P. Hall Company, a former distributor of Johns-Manville raw asbestos, filed a voluntary Chapter 11 petition in the U.S. Bankruptcy Court for the Northern District of Illinois.⁹⁸ The debtor asserts that it is a non-operating company that has been sued in thousands of asbestos-related lawsuits.⁹⁹ Although the court initially ordered that a plan be filed by December 10, 2011, the court subsequently extended the debtor's exclusive period and its deadline to file a plan until April 20, 2012.¹⁰⁰

The debtor's assets include claims against various insurers, including Integrity Insurance Company, an insolvent insurer which is in liquidation proceedings in New Jersey, and Columbia Casualty Company, an

excess insurer. Debtor is presently seeking the bankruptcy court's approval of a settlement with Integrity to resolve debtor's remaining claims against it for \$4.125 million, as well as authority to sell its rights under the settled claim against Integrity claim for \$2.97 million (72% of the face amount of the claim) to an agent for an institutional investor.¹⁰¹ Certain asbestos claimants have opposed debtor's motion to sell the Integrity claim, alleging that debtor pledged and assigned the proceeds of the Integrity insurance policies to satisfy judgments entered in their favor exceeding \$30 million, and that as secured judgment creditors, they are entitled to adequate protection.¹⁰²

Columbia Casualty Company moved for relief from the automatic stay in order to pursue discovery from certain of the asbestos claimants who have sued Columbia to collect judgments entered pre-petition against C.P. Hall.¹⁰³ Columbia seeks information from the claimants to determine whether conditions to coverage have been established, but claimants have resisted on the grounds that the automatic stay applies to their state court action against Columbia.¹⁰⁴

2. Significant Developments In Pending Bankruptcy Cases

Christy Refractories. On July 13, 2011, the bankruptcy court entered an order confirming Christy's § 524(g) plan.¹⁰⁵ The District Court affirmed the injunctions entered pursuant to § 524(g) on August 19, 2011.¹⁰⁶

Congoleum. Congoleum's bankruptcy case, which began as a prepackaged bankruptcy in 2003, was finally resolved by an order confirming a § 524(g) plan on June 7, 2010¹⁰⁷ and the dismissal of all appeals from that order on October 7, 2010.¹⁰⁸ Although the bankruptcy court had dismissed the case after finding that a twelfth proposed plan was not confirmable as a matter of law,¹⁰⁹ the district court reversed that order on appeal, withdrew the reference of the case from the bankruptcy court, and held all subsequent plan-related proceedings in the district court.¹¹⁰

When the district court confirmed the plan on June 7, 2010, the only objecting parties were certain asbestos claimants whose pre-petition settlements with Congoleum were voided pursuant to the plan.¹¹¹ The objecting claimants appealed the confirmation order to the Third Circuit, but the appeal was dismissed on

October 7, 2010 on the grounds that it was equitably moot because the confirmed plan had been substantially consummated.¹¹²

Federal-Mogul. On March 24, 2009, the district court affirmed the bankruptcy court's decision holding that the Bankruptcy Code preempted the provisions in the appellant insurers' liability policies that prohibit assignment of the policies without the insurers' consent.¹¹³ The district court held that it was bound by the Third Circuit's decision in *Combustion Engineering*, which the district court construed to mean that "§ 1123(a)(5)(B) preempts the anti-assignment provisions in the insurance policies at issue, which thereby permits the transfer of insurance rights to the § 524(g) trust."¹¹⁴ On April 23, 2009, certain insurers appealed the district court's decision to the Third Circuit.¹¹⁵ On August 6, 2010, the Third Circuit stayed the appeal pending its *en banc* decision in *Global Industrial Technologies, Inc. ("GIT")*, because the assignment/preemption issue was one of the issues that had been briefed and was pending before the *en banc* court in *GIT*.¹¹⁶ On June 3, 2011, after issuing its *en banc* ruling in *GIT* and remanding the case to the bankruptcy court, the Third Circuit lifted the stay and heard oral argument of the insurers' appeal on November 9, 2011.

During 2011, the trust reached a settlement of Federal-Mogul's state court coverage litigation with two of its insurers and filed a motion to extend the § 524(g) injunctions under the Plan to the settling insurers. The district court granted that motion on June 6, 2011.¹¹⁷

G-I Holdings. On November 12, 2009, the district court and bankruptcy court, which had jointly presided over the confirmation hearing,¹¹⁸ confirmed G-I's § 524(g) plan.¹¹⁹ The Internal Revenue Service appealed the confirmation order's finding that the IRS lacked standing to object to confirmation because the IRS claim would be paid in full under the Plan.¹²⁰ The Third Circuit referred the IRS appeal to mediation on May 7, 2010.¹²¹ After the parties resolved their dispute, the appeal was dismissed on December 28, 2011.¹²²

Global Industrial Technologies/North American Refractories Corp. After the district court affirmed confirmation of the plan over the objections of several

insurers, those insurers appealed the confirmation ruling to the Third Circuit.¹²³ The insurers appealed the lower courts' rulings that (i) insurers lacked standing to object to plan confirmation and (ii) the Bankruptcy Code preempts provisions contained in the insurers' policies that prohibit assignment of the policies without insurers' consent. The Third Circuit held oral argument on the appeal on May 21, 2009, then *sua sponte* ordered re-hearing *en banc*.¹²⁴

On May 4, 2011, the *en banc* Third Circuit issued a 6-4 decision holding that the insurers had standing to contest plan confirmation.¹²⁵ In sum, the majority held that "when a federal court gives its approval to a plan that allows a party to put its hands into other people's pockets, the ones with the pockets are entitled to be fully heard and to have their legitimate objections addressed."¹²⁶ The court remanded the case to the lower courts for further proceedings in which the appellant-insurers would be permitted to participate and have their objections heard.

On June 15, 2011, the bankruptcy court held a hearing on plan confirmation. After the hearing, the bankruptcy court ordered debtors and insurers to mediate their dispute.¹²⁷ No further proceedings regarding plan confirmation have been held in the bankruptcy court.

Hercules. On December 22, 2009, the bankruptcy court recommended confirmation of Hercules' plan of reorganization, which establishes a trust to pay asbestos claims and proposes a channeling injunction pursuant to § 524(g) of the Bankruptcy Code.¹²⁸ On January 6, 2010, the district court entered an order confirming the plan.¹²⁹

Johns-Manville. Judge Lifland, who fashioned the underpinnings of § 524(g) in the *Johns-Manville* case, continues to preside over the case as it approaches its third decade.¹³⁰ In 2009, the U.S. Supreme Court decided *Travelers Indem. Co. v. Bailey*, which addressed the finality of a 1984 settlement between Johns-Manville and several of its insurers that Judge Lifland had approved and incorporated by reference into the confirmation order in 1986.¹³¹ The Supreme Court reversed the Second Circuit's decision that the 1986 orders (as clarified and reaffirmed in a 2004 decision of the bankruptcy court) exceeded the bankruptcy court's jurisdiction. Specifically, the

Supreme Court held that the settlement agreement and confirmation order, by their terms, barred direct action claims asserted against Travelers, and that the 1986 orders were final, pursuant to principles of res judicata, and could not be collaterally attacked, even as to whether the bankruptcy court exceeded its subject matter jurisdiction.¹³² The Supreme Court did not address which specific parties were bound by the 1986 orders, because the Second Circuit had not addressed that question. The Supreme Court remanded the case to the Second Circuit for further proceedings.¹³³

On remand, the Second Circuit addressed whether the bankruptcy court's 1986 settlement approval order and confirmation order were binding on Chubb, a co-defendant insurer in the direct actions against Travelers. The Second Circuit held that enforcing the orders against Chubb and thus enjoining its contribution claims against Travelers with respect to the direct actions in which both companies were defendants would violate due process, because Chubb was not a party to the 1984 settlement between Travelers and Manville and did not receive sufficient notice during the 1986 proceedings.¹³⁴ The circuit court therefore remanded the case to the bankruptcy court with respect to Chubb.¹³⁵ Travelers filed a petition for a writ of certiorari and a writ of mandamus to the Supreme Court, which was denied on November 29, 2010.¹³⁶

Subsequently, three groups of plaintiffs in the direct actions against Travelers and Chubb moved the bankruptcy court to enforce the terms of settlements entered into in 2004, which required Travelers to pay \$445 million into separate settlement funds for each group of plaintiffs.¹³⁷ Those settlements had been approved by the orders that the Supreme Court held in *Bailey* were immune from collateral attack. Travelers asserted that it was released from its payment obligation because the Second Circuit's decision that Chubb was not bound by the 1986 order or the later clarifying order rendered the 2004 settlements a nullity.¹³⁸ The bankruptcy court rejected Travelers' arguments.¹³⁹ The court further found that "Travelers' notion of 'complete and total peace' is a subjective concept that no tribunal can ever guarantee."¹⁴⁰ The court ordered Travelers to pay the direct action plaintiffs with interest.¹⁴¹ Travelers and one other party appealed that order. The appeals were heard by the district court on January 9, 2012, and are awaiting decision.

Pittsburgh Corning. On June 16, 2011, the bankruptcy court denied confirmation of Pittsburgh Corning's modified third amended plan of reorganization. First, the court found that the plan could not be considered "insurance neutral" because the plan's neutrality language was "incomprehensible, and its scope is blurred by being made subject to a host of other Plan Documents which, in reality, openly gut the purported protections."¹⁴² In part, the comprehensibility problem arose from the fact that two different provisions of the plan each purported to be preemptory of the other.¹⁴³ Additionally, the court held that "the purported insurance neutrality language goes far beyond the *Combustion Engineering* language as the language here contains many qualifications and provisos," thus creating confusion about "what the sections actually mean and which controls."¹⁴⁴ Second, the court found that the plan improperly sought to channel to the proposed § 524(g) trust asbestos claims that were not derivative of the debtor's asbestos liabilities (*i.e.*, "not alleged to be as a result of conduct of, claims against, or demands on PCC or based on non-debtors' participation in and control of PCC").¹⁴⁵ The court held that it was not clear which parties and claims the proposed § 524(g) injunction would apply to, and that plan proponents bore the burden of articulating the scope of the injunction as a requisite of confirmation.¹⁴⁶

The court's opinion permitted Pittsburgh Corning to file another plan. Accordingly, on September 23, 2011, Pittsburgh Corning filed a modified plan, seeking to address the issues identified by the court.¹⁴⁷ After objections and briefs against and in favor of confirmation were filed,¹⁴⁸ Pittsburgh Corning filed several sets of plan amendments during late 2011 and early 2012.¹⁴⁹ The principal issues being addressed by the parties now concerns whether the plan, as amended, is "insurance neutral" and whether plan language regarding judgment reduction sufficiently compensates non-settled insurers for the loss of contribution rights.¹⁵⁰ The parties and the court discussed these issues during a hearing held on February 17, 2012, but no decision was entered and a further hearing on the issues will take place in the future.

Quigley. After a 15-day confirmation hearing, the bankruptcy court denied confirmation of Quigley's plan.¹⁵¹ The court found that the plan did not satisfy

the “good faith” requirement of 11 U.S.C. § 1129(a)(3) because Quigley’s parent company, Pfizer, “wrongfully manipulated the voting process to assure confirmation of the Quigley plan, and thereby gain the benefit of the channeling injunction for itself and the other Pfizer Protected Parties. . . . In a nutshell, Pfizer bought enough votes to assure that any plan would be accepted.”¹⁵² After excluding the tainted votes from consideration, the court concluded that the plan lacked sufficient votes and thus could not be confirmed.¹⁵³ The court also found that the plan failed to satisfy the “fair and equitable” requirement for entry of a channeling injunction under § 524(g), because Pfizer’s contribution to the proposed trust was “substantially less than the benefit that Pfizer will realize from the channeling injunction,”¹⁵⁴ and that the plan was not feasible as required by § 1129(a)(11) of the Bankruptcy Code because Quigley’s future prospects to attract business beyond a 5-year period during which Pfizer would pay Quigley to process asbestos claims were “speculative at best and visionary at worst.”¹⁵⁵

After the court denied confirmation, an ad hoc committee of asbestos claimants and the U.S. Trustee, both of which had opposed plan confirmation, moved to dismiss the bankruptcy case on the grounds that Quigley would not be able to confirm a plan.¹⁵⁶ Pfizer and Quigley opposed the motions. The hearing on the motions has been continued several times as the parties attempt to reach a resolution. Pfizer, Quigley, and most of the members of the ad hoc committee reached agreement on the terms of an amended plan, and on April 7, 2011, the bankruptcy court approved a “plan support agreement” among the parties.¹⁵⁷ Quigley filed an amended plan and disclosure statement on April 6, 2011.¹⁵⁸ However, the disclosure statement hearing and a continued hearing on the motions to dismiss the bankruptcy case have been adjourned several times, without date.¹⁵⁹

The parties have been involved in an appeal to the Second Circuit from a district court order entered on May 17, 2011, reversing a bankruptcy court order enjoining an asbestos claimants’ law firm from litigating tort claims under Pennsylvania law against Pfizer, based on the use of Pfizer’s name on bags of Quigley asbestos products.¹⁶⁰ The district court granted Pfizer’s motion to stay the order pending appeal, to which the appellee consented, because allowing the litigation to proceed would give the law firm’s claimants an unfair

priority to access assets of the estate, and could deplete Pfizer’s and Quigley’s shared insurance.¹⁶¹ The Second Circuit heard oral argument on September 28, 2011, but has not ruled.

Skinner Engine. On May 26, 2009, in the context of reviewing a disclosure statement relating to a proposed modified plan – debtor’s fifth plan – the bankruptcy court held that the plan was facially unconfirmable. Because the plan proponents had not been able to effectuate a confirmable plan within a reasonable time,¹⁶² the court converted Skinner’s case from Chapter 11 to Chapter 7.¹⁶³ The bankruptcy court found that Skinner’s plan constituted a settlement between the plan proponents and asbestos claimants to which the debtors’ insurers had not consented, which, under Pennsylvania law, voided any available coverage, no matter how reasonable the settlement.¹⁶⁴ The court further found that even if the law allowed such a settlement, the proposed settlement was not reasonable and in good faith because the asbestos claims were so tenuous that it made no sense for the debtor to settle them.¹⁶⁵ Finally, the court found that the proposed asbestos settlement was the product of “patent collusion” between the plan proponents and asbestos claimants that would improperly give debtor a financial incentive to sabotage the insurers’ defense of those claims.¹⁶⁶

Skinner appealed the bankruptcy court’s order to the district court, which affirmed.¹⁶⁷ On May 12, 2010, Skinner appealed the lower courts’ orders to the Third Circuit. The Third Circuit heard oral arguments on the appeals on October 25, 2011, but has not ruled.

Thorpe Insulation. On February 1, 2010, the bankruptcy court confirmed Thorpe’s § 524(g) plan.¹⁶⁸ On September 21, 2010, the district court affirmed the confirmation order and held that the objecting insurers only had standing to contest the “insurance neutrality” of the plan.¹⁶⁹

Two of Thorpe’s non-settling insurers appealed the confirmation order to the Ninth Circuit. Thorpe and the other plan proponents moved to dismiss the appeals on the grounds that they were equitably moot, because the plan has been substantially consummated.¹⁷⁰ On January 24, 2012, the Ninth Circuit reversed the district court’s conclusion that the insurers lacked standing, and remanded the case so

that the insurers would have a full and fair opportunity to present evidence to the bankruptcy court in support of their confirmation objections.¹⁷¹ As a matter of first impression within the Ninth Circuit, the court set out a test to determine equitable mootness, and held that the appeal was not moot, even though appellants had been denied a stay, the plan had become effective, and distributions under the plan had commenced, because it was possible to fashion relief “in a way that does not affect third party interests to such an extent that the change is inequitable.”¹⁷² The court also held that § 541(c) of the Bankruptcy Code expressly preempts anti-assignment provisions in the insurers’ policies, and therefore the assignment of Thorpe’s insurance policies to a § 524(g) trust would not breach those provisions. The plan proponents moved for rehearing *en banc* on February 7, 2012,¹⁷³ and on February, 2012 the Ninth Circuit ordered the insurers to file a response to the motion by March 7, 2012.¹⁷⁴

In a separate decision, the Ninth Circuit on January 30, 2012 affirmed lower court rulings disallowing a proof of claim filed by one of Thorpe’s insurers.¹⁷⁵ The proof of claim sought recovery of damages from Thorpe for breaching a pre-petition settlement agreement by, among other things, violating covenants that it would not assist asbestos claimants in asserting direct claims against the insurer. The court said that a debtor “could not contract away its right to avail itself of the protections of § 524(g).”¹⁷⁶

Certain of Thorpe’s non-settling insurers also appealed orders approving Thorpe’s settlements with two of its other insurers, claiming that the settlements improperly extinguish the objecting insurers’ contribution and other rights against the settling insurers, and an order granting a substantial contribution claim by the Kazan McClain and Brayton Purcell law firms for settlements achieved with Thorpe’s insurers.¹⁷⁷ The appeals mentioned in this paragraph have been dismissed as equitably moot.¹⁷⁸

THAN. On May 21, 2009, the bankruptcy court held a combined hearing on debtor’s motions to approve the disclosure statement and confirm its prepackaged plan of reorganization. Because the plan included substantial protections for insurers that were heavily negotiated among the plan proponents and insurance companies, the only party that objected to plan

confirmation was a single law firm representing asbestos personal injury claimants.¹⁷⁹ On May 28, 2009, the bankruptcy court confirmed the plan.¹⁸⁰ The objecting law firm appealed that order and opposed debtor’s motion seeking affirmation of the confirmation order from the district court.¹⁸¹ Ultimately, debtor and the objecting law firm resolved their dispute through an agreed plan modification.¹⁸² On October 26, 2009, the district court affirmed confirmation of the modified plan.¹⁸³

W.R. Grace. On January 31, 2011, the bankruptcy court confirmed W.R. Grace’s § 524(g) plan.¹⁸⁴ Several parties appealed the confirmation order to the district court, including certain of Grace’s bank lenders, the official committee of non-asbestos creditors, one of Grace’s alleged co-defendants in the tort system, the “Libby Claimants,” the State of Montana, and parties asserting contractual indemnification claims. On January 31, 2012, the district court issued a 202-page memorandum opinion affirming the bankruptcy court’s confirmation ruling in all respects.¹⁸⁵ The court held, among other things, that the plan had been proposed in good faith, that all the requirements of § 524(g) had been satisfied, that the plan’s classification of claims was proper, that the plan met the “feasibility” requirements because the reorganized debtor would not need further reorganization following confirmation, that the plan met the “best interests of creditors” test with respect to those creditors who had voted against the plan, and that the Bankruptcy Code pre-empted application of the “anti-assignment” provisions in certain insurers’ policies.

3. Overview Of Recent Asbestos Bankruptcy Developments

Insurance Neutrality/Insurer Standing. Since *Combustion Engineering* was filed in 2003, a recurring issue in asbestos bankruptcies has been whether insurers have standing to participate in § 524(g) cases and object to plans. Two recent circuit court cases held that insurers do, in fact, have such standing.

First, an *en banc* Third Circuit held in *GIT* that insurers had standing where the plan in question threatened to increase the liabilities that the insurers might be called upon to defend or indemnify. Such an argument can be made in most § 524(g) cases where debtors, ACCs, and FCRs agree to a plan without input from their insurers, given that trust distribution

procedures are often drafted to efficiently pay claims with a level of scrutiny that insurers would characterize as less than searching.

Second, the Ninth Circuit held in *Thorpe Insulation* that a bankruptcy court erred in not allowing insurers to present argument and evidence at a hearing to confirm a plan that the plan's proponents had characterized as "insurance neutral." The circuit court, however, concluded that the plan was not "insurance neutral" because it "may have a substantial economic impact on insurers."¹⁸⁶ The court explained: "Though the plan recites that it is insurance neutral, this characterization in and of itself does not settle the issue. Instead, we must look to the real-world impacts of the plan to see if it increases insurance exposure and likely liabilities of Appellants."¹⁸⁷ The court then pointed out various ways in which the plan potentially affected the objecting insurers, requiring that they be permitted to participate in the confirmation process.

Both the *GIT* court and the *Thorpe* court vacated the confirmation orders in question and remanded the cases back to bankruptcy court for further confirmation proceedings during which the insurers would be allowed to participate.¹⁸⁸ In both cases, then, the plan proponents' effort to save time and cost by excluding insurers from the confirmation hearing on the basis that the plans were purportedly "insurance neutral" proved unsuccessful.

A slightly different approach was followed in *Leslie Controls*. There, the debtor persuaded the bankruptcy court, over the insurers' objections, that the plan was "insurance neutral," and so the insurers were excluded from the confirmation hearing. After the insurers' appeal had been fully briefed in the district court, but before oral argument of the appeal, the plan proponents and the insurers reached agreement on "insurance neutrality" provisions. The district court remanded the case to the bankruptcy court for approval of the "insurance neutrality" provisions; the plan was reconfirmed in short order by the bankruptcy court without objection, and the new confirmation order was then quickly affirmed by the district court, again without objection.¹⁸⁹

By reaching agreement with its insurers on the terms of "insurance neutrality" before the appellate process had reached the decision stage in the district court, the

debtor in *Leslie Controls* was able to avoid at least some of the delay, cost, and uncertainty experienced by the *GIT* and *Thorpe* debtors. Another way to avoid such issues is to do as the debtor did in *Plant Insulation* – that is, not challenge the insurers' right to participate fully in the confirmation process, thereby eliminating all risk that plan confirmation might later be upended based on an erroneous ruling restricting insurers' standing. Similarly, in *Pittsburgh Corning*, the objecting insurers were permitted to introduce evidence during the confirmation hearing in support of their objections even as plan proponents sought a ruling that the insurers lacked standing because the plan was purportedly "insurance neutral."¹⁹⁰

Because of rulings like *GIT* and *Thorpe*, plan proponents may no longer be willing to take the risk that a confirmation order will be reversed because a plan really was not "insurance neutral." But even if they were, insurers may no longer be willing to rely on even supposedly robust "insurance neutrality" language in the wake of a federal district court decision construing the *Artra* plan. In *Artra 524(g) Asbestos Trust v. Fairmont Premier Ins. Co.*, the court held that notwithstanding the plan's "insurance neutrality" language – which specifically referenced the Seventh Circuit's 1991 decision in *UNR Industries* – the insurers were obligated under the *UNR* ruling to indemnify the full amount of claims as determined by the § 524(g) trust under trust distribution procedures, even though the trust was only paying 7.5% of such amounts.¹⁹¹ The "insurance neutrality" language quoted in the decision is common to many other § 524(g) plans, and was thought by insurers to protect against exactly the result reached by the *Artra* court. Given a choice between finding out years later that agreed language would not be given the intended effect, and participating in confirmation proceedings as permitted under the *GIT* and *Thorpe* standing rulings, it is likely that many insurers will opt to try to protect their interests in the bankruptcy case itself.¹⁹²

Can Defunct Companies Use § 524(g)? Certain asbestos defendants who are presently seeking to confirm § 524(g) plans – e.g., Quigley, Flintkote, and Plant – have not had active business operations for years. In these cases, objecting parties have argued that the debtors are not entitled to injunctive relief pursuant to § 524(g) because those debtors ceased operations before commencing their Chapter 11 cases.

Some debtors have argued that there is no “going concern” requirement in the statute. And the court in *Quigley* construed § 524(g) “narrowly” and concluded that while there is, indeed, a funding requirement, there is no additional “going concern” requirement.¹⁹³ But as the legislative history of § 524(g) establishes, the statute was enacted to “*preserve* the going concern value of those companies [facing asbestos liabilities], thus providing a source of payment for . . . future [asbestos] claims.”¹⁹⁴ The congressional sponsor of § 524(g) explained that “the reorganized company becomes the goose that lays the golden egg by *remaining a viable operation* and maximizing the trust’s assets to pay claims.”¹⁹⁵ An added salutary effect of the “fresh start” provided to the reorganized debtor under § 524(g) was the preservation of jobs that would otherwise be lost if the debtor’s asbestos liabilities forced it to liquidate. Thus, the enactment of § 524(g) was also hailed as providing “added stability and job security for the thousands of workers employed by reorganized companies.”¹⁹⁶ None of these goals are met by allowing non-operational debtors to use § 524(g) – such companies have no going concern value to preserve and no jobs to save.

Moreover, contrary to *Quigley*, other courts have recognized a “going concern” requirement within § 524(g). For example, the Third Circuit in *Combustion Engineering* noted that § 524(g) requires a debtor to be “a going concern, such that it is able to make future payments into the trust to provide an ‘evergreen’ funding source for future asbestos claims.”¹⁹⁷ Similarly, the court in *Western Asbestos* found that a debtor that was not an operating company was “not entitled to” § 524(g) protection.¹⁹⁸

Debtors facing “going concern” objections have relied on several different strategies in attempt to comply with that requirement.

In *Thorpe Insulation*, for example, the non-operating debtor facing asbestos liabilities merged with Pacific Insulation, a commonly-owned operating co-debtor that was the alleged successor-in-interest for Thorpe’s asbestos liabilities. The § 524(g) plan embodying that transaction was confirmed by the bankruptcy court and that order was affirmed by the district court, though the confirmation order was recently reversed on other grounds by the Ninth Circuit.¹⁹⁹

The non-operating debtor in *Plant Insulation* has similarly proposed to merge with an operating company, Bayside, which was been named as the alleged successor-in-interest to Plant’s asbestos liabilities in a very small number of pre-petition lawsuits. However, unlike Pacific Insulation, which merged into Thorpe, Bayside is not a co-debtor with Plant and was never under common ownership. Under the proposed plan, Plant would emerge from the bankruptcy case using Bayside’s name, undertaking Bayside’s operations with Bayside’s employees. Whether that transaction complies with § 524(g) is currently one of the issues under submission in the plan confirmation proceedings in that case.

The non-operating debtor in *Flintkote* took a different approach, attempting to develop new business operations during its bankruptcy case. Specifically, Flintkote purchased several fast-food restaurants in a series of sale-leaseback transactions, and proposes to begin a claims processing business after confirmation. Flintkote’s former parent company, Imperial Tobacco, objected to confirmation arguing, *inter alia*, that Flintkote’s new businesses do not satisfy the going concern requirement because § 524(g) is intended to protect businesses that were already operating as of the petition date, and Flintkote’s proposed business will not generate sufficient income for the benefit of asbestos claimants. The parties recently completed post-confirmation hearing briefing, with closing argument scheduled in March, 2012.

The debtor in *Quigley* likewise plans to engage in a new claims processing business post-confirmation, and entered into a contract with its parent company, Pfizer, to process asbestos claims against Pfizer and certain Pfizer affiliates for a specified period of time.²⁰⁰ Although the bankruptcy court construed § 524(g) “narrowly” as not imposing a separate “going concern” requirement, based on its view that imposing an “ongoing business requirement could transform the funding requirement into a feasibility test, duplicating the requirement imposed under” § 1129(a)(11) of the Bankruptcy Code,²⁰¹ the court ultimately concluded that Quigley’s plan was not feasible because “once the Pfizer Claims Services Agreement expires, Quigley will not have sufficient business to continue operating.”²⁰²

Discovery From Bankruptcy Trusts. Given the significant number of asbestos defendants who have obtained bankruptcy relief through § 524(g), a

substantial amount of money has become available from confirmed asbestos personal injury trusts for the payment of claims – estimated to be between \$25 and \$40 billion, with potentially up to \$1 million available for a mesothelioma plaintiff.²⁰³ The significant amounts available to these trusts has enabled significant payments to individual claimants.²⁰⁴ But this influx in trust funding and payments being received by asbestos claimants has created issues for companies who remain defendants in the tort system, concerning the discoverability of information being submitted to the trusts by asbestos claimants and the amounts being received by the claimants from a particular trust.

Non-debtor defendants seek that information to avoid absorbing the liabilities of debtors, *i.e.*, by paying more than their proportionate share of liability, and to ensure that they obtain appropriate credits in litigation.²⁰⁵ Thus, they have argued that they are entitled to obtain claims materials submitted to trusts in order to reduce liability that had otherwise been enlarged to pick up a debtor-defendant's "share." Many courts have agreed that claims-related information, especially regarding facts such as work history and product exposure, is relevant and discoverable.²⁰⁶ Some courts have entered case management orders that require plaintiffs to disclose information submitted to bankruptcy trusts, and may also require disclosure of the amount of payments received from asbestos trusts for the purpose of reducing a judgment entered against the defendant.²⁰⁷ In order to prevent asbestos claimants from delaying the submission of trust claims until after solvent defendants have been pursued in the tort system, thereby avoiding having their tort judgments reduced, some courts have required claimants' counsel to file or produce any bankruptcy claims that were being contemplated, so that non-debtor defendants could set off from any damages award the amounts received or to be received by the plaintiffs from any bankruptcy trusts.²⁰⁸

This issue has come to a head more recently in the *Garlock* and *Bondex* bankruptcy cases. Both *Garlock* and *Bondex*, as part of establishing their "true" liability for asbestos claims via the bankruptcy claims estimation process, have expended significant effort and resources attempting to obtain discovery regarding the claims filed against established bankruptcy trusts as part of proving that their liabilities would have been

reduced if they had received credit for payments that claimants obtained from those trusts.

In connection with the claims estimation process, *Garlock* filed several motions in its bankruptcy case pursuant to Bankruptcy Rule 2004 seeking discovery from § 524(g) trusts and facilities that process claims against various asbestos trusts.²⁰⁹ The bankruptcy court denied *Garlock's* Rule 2004 motion, finding that such a motion was procedurally improper because those entities are not parties to *Garlock's* bankruptcy case, and that the "timing . . . and breadth of their scope are indicative of an erosion of civility and common courtesy."²¹⁰

Garlock also filed motions in 12 bankruptcy cases currently or formerly pending before Bankruptcy Judge Judith Fitzgerald in Delaware and Pennsylvania, seeking access to Bankruptcy Rule 2019 statements filed in those cases by counsel for asbestos claimants.²¹¹ *Garlock* argued that it required that data to determine whether it previously settled claims for inflated values because claimants who asserted claims against other asbestos debtors may not have provided evidence about exposure to those debtors' products in litigation against *Garlock*.²¹² *Garlock* further argued that it was entitled to access the Rule 2019 statements filed in those other cases as part of its investigation of potential claims against plaintiffs' firms that allegedly concealed evidence of their client's trust claims during discovery in the tort system in order to inflate settlement payments from *Garlock*.²¹³ Judge Fitzgerald denied those motions, finding that *Garlock* lacked standing to intervene in those cases.²¹⁴ *Garlock* has appealed, and briefing of the appeals has been completed.

The *Bondex* debtors similarly sought extensive claims-related discovery from many § 524(g) trusts and claims processing facilities that administer claims for those trusts,²¹⁵ arguing that such information is necessary for their expert to determine debtors' likely asbestos liability.²¹⁶ The trusts, the ACC, and the FCR objected to those discovery requests,²¹⁷ and their objections were eventually upheld.²¹⁸

Several trusts have affirmatively sought relief that would preclude third-party discovery against them. On October 28, 2010, the ACandS trust, along with the § 524(g) trusts established in the Kaiser

Aluminum, US Gypsum, and Owens Corning/Fibreboard bankruptcy cases and the ACCs and FCRs in those cases, commenced adversary actions seeking declaratory and injunctive relief against several insurers involved in coverage litigation with certain trusts and debtors in other bankruptcy cases that were seeking discovery from the trusts.²¹⁹ The complaints sought to enjoin such discovery based on substantially similar provisions in the trust distribution procedures that protect the confidentiality of claimants' submissions of information to the trusts.²²⁰ Bondex and Garlock moved to dismiss the trusts' complaints on the grounds, *inter alia*, that the dispute improperly intruded on the normal discovery process in other cases, that the Delaware bankruptcy court lacked jurisdiction to resolve objections to discovery in a different bankruptcy case, and that under both the first-filed rule and principles of judicial economy, the Delaware court should defer to the courts presiding over the Bondex and Garlock bankruptcy cases.²²¹ Defendant insurers moved to dismiss on the grounds that the complaint improperly sought to bar discovery in state court litigation.²²²

On February 22, 2011, the bankruptcy court dismissed the complaints, finding that the court lacked subject matter jurisdiction and, in the alternative, that the court should allow the other federal and state courts that were overseeing the cases in which the discovery requests originated to make decisions about the propriety of those requests.²²³

Protection From Future Claims Without § 524(g).

Several recent rulings have provided companies that exited bankruptcy before being sued for asbestos liabilities with protection equivalent to § 524(g) protection.

The cases arise in a similar context, and the court rulings are similar. A company enters bankruptcy without having received asbestos claims. During its bankruptcy case, the debtor gives notice by publication of the bar date for filing claims. Its plan is later confirmed. The plan says nothing about cutting off asbestos claims, because the company had not received any. Years later, the reorganized company is sued by asbestos claimants, and responds by asserting that the claims were discharged by the company's bankruptcy and subject to the discharge injunction entered upon plan confirmation.

On these facts, the Third Circuit in *Grossman's* found that the claimant's "claim" accrued for bankruptcy purposes when she was exposed, pre-petition, to the asbestos contained in the product sold by Grossman's. Further, the court held that the claim was discharged because the publication notice of the bar date was sufficient, given that the claimant had not notified Grossman's that she was asserting any claim.²²⁴ A New York bankruptcy court and a Texas bankruptcy court reached similar results on similar facts.²²⁵ And a California state appellate court recently adopted an analysis similar to that followed in *Grossman's*, but held that it was not able to determine at the demurrer stage whether the claimants had received notice that was adequate to discharge their claims against the former debtor.²²⁶

These cases do not provide a strategy that could be followed by debtors that have received asbestos claims prior to plan confirmation. But they do suggest that any reorganized company that is brought into asbestos litigation for the first time post-confirmation has strong arguments that it need not even defend such cases.

Grossman's may have an impact in pending cases. In *Flintkote*, a party objecting to plan confirmation has argued that Flintkote's plan cannot be confirmed because Flintkote did not provide notice to, or solicit votes from, persons who have "claims" under *Grossman's* because they were exposed to Flintkote asbestos pre-petition, even though they are presently asymptomatic. The bankruptcy court can be expected to address this argument when it issues its ruling on the objection after the March, 2012 closing arguments in that case.

Insurance Contribution Issues. Several of the asbestos bankruptcies pending in California have presented unique issues regarding the impact of the § 524(g) injunction on the rights of non-settled insurers to obtain contribution from other insurers who have settled with the debtor. Under California law, an insurer's settlement with a policyholder does not cut off contribution claims by non-settled insurers. The issue arose in the *Thorpe* and *Plant* cases because the plans in those cases contain provisions allowing claimants, in addition to obtaining recoveries from the § 524(g) trusts, to pursue post-confirmation tort system claims against the reorganized debtor, solely for

the purpose of obtaining a judgment that could support a later direct action claim against the non-settled insurers. Because the non-settled insurers would be called upon to defend and then indemnify the tort system claims against the reorganized debtor, they would have a claim against the settled insurers under California law that would be cut off by the § 524(g) injunction.²²⁷

In *Thorpe*, the issue was initially raised during the confirmation hearing in January, 2009. The bankruptcy judge said she would not confirm the plan unless the non-settled insurers' contribution rights received appropriate protection. Eventually, the parties agreed to a judgment reduction provision which required that any judgment against a non-settled insurer be reduced by the amount of its right to contribution from the settled insurers (as determined by the court), coupled with a provision granting non-settled insurers the right to sue the § 524(g) trust, and recover in 100-cent dollars, for any contribution rights that were not fully compensated by the judgment reduction provision.

In *Plant*, the non-settled insurers sought similar protection. They filed two summary judgment motions during the bankruptcy case arguing that the plan could not be confirmed as a matter of law because it extinguished their contribution rights without compensation.²²⁸ After both motions, the plan proponents amended the plan. The second amendment added the judgment reduction provision contained in the *Thorpe* plan, but did not include the provision allowing the insurers to sue the trust (the so-called "trust backstop" provision). Following the second amendment, the court ruled that whether the plan could be confirmed in light of its failure to include a trust backstop provision would have to be the subject of evidence at trial.²²⁹

During the *Plant* confirmation hearing, there was extensive fact and expert testimony on the issue. The plan proponents argued that it was fair to enjoin the insurers' contribution claims without including a trust backstop provision because the plan benefitted the insurers on a net basis, since the judgment reduction provisions (which did not apply to settled or dismissed cases) would result in fewer post-confirmation tort suits and reduced settlement values. The insurers responded that there was no reliable, credible evidence

that there would be fewer claims or reduced settlement values, and that their contribution claims in fact would be both grossly and systematically under-compensated. The issue is under submission to the bankruptcy court along with all the other objections to confirmation.

Similar issues regarding judgment reduction provisions affecting the rights of non-settled insurers are in the process of being presented to the court in *Pittsburgh Corning*, as discussed above.

Anti-Assignment. In our last article, we noted that "[i]t has become increasingly common for asbestos debtors to seek rulings from the bankruptcy court, as part of plan confirmation, that state law and/or contractual prohibitions against a debtor's proposed assignment of its insurance policies are preempted by the Bankruptcy Code where the plan in question seeks to assign such insurance assets to a § 524(g) trust," and that "[t]o date, courts considering this issue have generally ruled that the Bankruptcy Code does, in fact, preempt enforcement of anti-assignment provisions that otherwise might preclude assignment of a debtor's insurance assets to a § 524(g) trust absent the insurers' consent."²³⁰ We further noted that "[n]o circuit court has explicitly addressed this issue, but given that most debtors rely on an assignment of insurance assets to fund their proposed § 524(g) trusts, over insurer objections, we expect that the issue will soon reach, and be decided by, a federal circuit court."

The issue was addressed by the Ninth Circuit in *Thorpe Insulation* on January 24, 2012, and the court held that the Bankruptcy Code expressly preempted enforcement of anti-assignment provisions in the debtor's insurance policies. The court's opinion relied on § 541 of the Bankruptcy Code, and arguably addressed the wrong issue: whether the policies could be assigned as a matter of law to the debtor-in-possession, rather than whether the debtor-in-possession could assign the policies to a § 524(g) trust. However, the court also said that the anti-assignment provisions were impliedly preempted by § 524(g), since "Section 524(g) was specifically designed to allow companies with large asbestos-related liabilities to use Chapter 11 to transfer those liabilities, along with substantial assets, to a trust responsible for paying future asbestos claims."²³¹

The issue remains *sub judice* before the Third Circuit in the *Federal-Mogul* appeal. On January 30, 2012, however, the district court in *W.R. Grace*, considering what it said were “the same briefs” as those filed in the Third Circuit, and citing the Ninth Circuit’s ruling six days earlier in *Thorpe*, held that “§ 1123(a)(5)(B) of the Bankruptcy Code expressly preempts the anti-assignment provisions in the objecting insurers’ policies.”²³² Obviously, the Third Circuit will speak for itself on the issue when it considers those “same briefs” in *Federal-Mogul*.

4. Conclusion

Notwithstanding the many decisions issued during the past few years in asbestos bankruptcy cases, there remains a large number of open or unanswered questions, about substantive law and procedure, that will continue to be addressed in such cases in the future. We look forward to reporting on such future developments in Part 7 of this series of articles.

WHERE ARE THEY NOW, PART 6:

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
Chicago Fire Brick	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
Special Metals Corp.	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

Chart 1 (Continued)

Company	Year
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
Thorpe Insulation Co.	2007
Pacific Insulation Co. ²	2007
Hercules Chemical Co.	2008
Christy Refractories Co. LLC	2008
T H Agriculture & Nutrition, LLC	2008
Plant Insulation Co.	2009
General Motors Corp. ³	2009
Durabla Manufacturing Co. ⁴	2009
Bondex International, Inc. and Specialty Products Holding Corp.	2010
Garlock Sealing Technologies LLC, The Anchor Packing Company and Garrison Litigation Management Group Ltd.	2010
Leslie Controls, Inc.	2010
Triple A Machine Shop, Inc.	2010
Pulmosan Safety Equipment Corp.	2010
State Insulation Corp.	2011
United Gilsonite Laboratories	2011
C.P. Hall Company	

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.

² Pacific Insulation Co. is related to Thorpe Insulation Co., which filed two weeks earlier in the same court.

³ In pleadings in its bankruptcy case, Motors Liquidation Co. (*f/ka/* General Motors) has said its case is not an asbestos bankruptcy and it has disavowed any intention to confirm a plan under 11 U.S.C. § 524(g). However, the U.S. Trustee has appointed a committee of asbestos claimants, and the debtors have moved for appointment of a future claims representative.

⁴ An affiliate of Durabla – Durabla Canada Ltd. – filed for Chapter 11 on November 8, 2010, citing asbestos exposure.

WHERE ARE THEY NOW, PART 6:

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
Anchor Packing Company	
Ancor Holdings Inc./National Gypsum	1990
API, Inc.	2005
Armstrong World Industries	2000
Artra Group, Inc.	2002
Asarco, Inc.	2005 ⁵
Asbestos Claims Management Corp.	2002
Babcock & Wilcox Co.	2000
Bondex International, Inc. and Specialty Products Holding Corp.	2010
Brauer Supply Co.	2005
Brunswick Fabricators	1998
Burns & Roe	2001
Carey Canada, Inc.	1990
Celotex Corp.	1990
C.E. Thurston	2003
Chicago Fire Brick	2001
Christy Refractories Co. LLC	2008
Combustion Engineering	2003
Congoleum Corp.	2003
C.P. Hall	2011
Dana Corporation	2006
Delaware Insulations Distributors	1989
Durabla Manufacturing Co. ⁶	2009
Eagle Pitcher Industries	1991
EJ Bartells Co., Inc.	2001

⁵ 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.

⁶ An affiliate of Durabla – Durabla Canada Ltd. – filed for Chapter 11 on November 8, 2010, citing asbestos exposure.

Company	Year		
Federal Mogul Corp.	2001	Owens Corning/Fibreboard	2000
Flintkote Co.	2004	Pacific Insulation Co. ⁹	2007
Flintkote Mines Ltd.	2004	Philadelphia Asbestos Corp. (Pacor)	1986
Forty-Eight Insulations	1985	Pittsburgh Corning	2000
Fuller-Austin Insulation Co.	1998	Plant Insulation Co.	2009
Garlock Sealing Technologies LLC ⁷	2010	Plibrico Co.	2002
Gatke Corp.	1987	Porter-Hayden Co.	2002
General Motors Corp. ⁸	2009	Prudential Lines, Inc.	1986
G-I Holdings	2001	Pulmosan Safety Equipment Corp.	2010
GIT/Harbison-Walker/AP Green	2002	Quigley Co.	2004
Harnischfeger Corp.	1999	Raymark Corp./Raytech Corp.	1989
Hercules Chemical Co.	2008	Rock Wool Manufacturing	1996
Hillsborough Holdings	1989	Rutland Fire Clay Co.	1999
H.K. Porter Co., Inc.	1991	Shook & Fletcher Insulation Co.	2002
Insul Co.	2001	Skinner Engine Co.	2001
Johns-Manville Corp.	1982	Special Electric Co.	2004
JT Thorpe (S.D. Tex.)	2002	Special Metals Corp.	2002
JT Thorpe (C.D. Cal.)	2004	Standard Insulations, Inc.	1986
Kaiser Aluminum Corp.	2002	State Insulation Corp.	2011
Keene Corp.	1993	Swan Transportation Co.	2001
Kentile Floors, Inc.	1992	T H Agriculture & Nutrition, LLC	2008
Lake Asbestos of Quebec, Ltd.	2005	Thorpe Insulation Co.	2007
Leslie Controls, Inc.	2010	Todd Shipyards	1987
Lloyd E. Mitchell Co.	2006	Triple A Machine Shop, Inc.	2010
McLean Industries	1986	Unarco Industries, Inc.	1982
M.H. Detrick	1998	United Gilsonite Laboratories	2011
Mid-Valley (Halliburton subsidiaries)	2003	United States Lines	1986
The Muralo Co., Inc.	2003	United States Mineral Products	2001
Murphy Marine Services, Inc.	2001	UNR Industries, Inc.	1982
North American Refractories Co. (NARCO)	2002	USG Corp.	2001
Nicolet, Inc.	1987	Utex Industries	2004
Oglebay Norton (ONCO)	2004	Wallace & Gale	1984
		Waterman Steamship Corp.	1983
		Western Macarthur	2002
		W.R. Grace Co.	2001

⁷ Garlock filed along with its affiliates The Anchor Packing Company and Garrison Litigation Management Group Ltd.

⁸ In pleadings in its bankruptcy case, Motors Liquidation Co. (f/ka/ General Motors) has said its case is not an asbestos bankruptcy and it has disavowed any intention to confirm a plan under 11 U.S.C. § 524(g). However, the U.S. Trustee has appointed a committee of asbestos claimants, and the debtors have moved for appointment of a future claims representative.

⁹ Pacific Insulation Co. is related to Thorpe Insulation Co., which filed two weeks earlier in the same court.

WHERE ARE THEY NOW, PART 6:
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 on May 25, 2004 and by the district court on June 7, 2004.	
ACandS, Inc.	No. 02-12687 (Bankr. D. Del.)	Plan denied confirmation by the bankruptcy court on January 26, 2004. Debtor's revised second plan of reorganization approved by the bankruptcy court on May 6, 2008; district court affirmation order entered on June 27, 2008.	<i>ACandS, Inc. v. Travelers Cas. & Sur. Co.</i> , 435 F.3d 252 (3d Cir. 2006); <i>In re ACandS, Inc.</i> , 2011 WL 4801527, ___ B.R. ___ (Bankr. D. Del. Oct. 7, 2011) (also entered in the <i>Armstrong, Combustion Engineering, Flintkote, Kaiser Aluminum, Owens Corning, U.S. Mineral Products, USG, W.R. Grace, Pittsburgh Corning, NARCO</i> , and <i>Mid-Valley</i> bankruptcy cases); <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; appeal to the Eighth Circuit (No. 06-2421) dismissed.	<i>In re A.P.I., Inc.</i> , 331 B.R. 828 (Bankr. D. Minn. 2005), <i>aff'd sub nom. OneBeacon American Ins. Co. v. A.P.I., Inc.</i> , 2006 WL 1473004 (D. Minn. May 25, 2006); <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.	<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, 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

Amended post-remand plan filed February 21, 2006. District court entered an opinion and order confirming the plan on August 15, 2006.

Federal-Mogul, Owens Corning, USG Corp., and W.R. Grace bankruptcies); *In re Armstrong World Indus., Inc.*, 348 B.R. 136 (D. Del. 2006); *In re Armstrong World Indus., Inc.*, 348 B.R. 111 (D. Del. 2006); *In re Armstrong World Indus., Inc.*, 320 B.R. 523 (D. Del. 2005); *In re ACandS, Inc.*, 2011 WL 4801527, ___ B.R. ___ (Bankr. D. Del. Oct. 7, 2011) (also entered in the *Armstrong, Combustion Engineering, Flintkote, Kaiser Aluminum, Owens Corning, U.S. Mineral Products, USG, W.R. Grace, Pittsburgh Corning, NARCO, and Mid-Valley* bankruptcy cases). See also *Maertin v. Armstrong World Indus., Inc.*, 241 F. Supp.2d 434 (D.N.J. 2002); *Wise v. Travelers Indem. Co.*, 192 F. Supp.2d 506 (N.D. W.Va. 2002).

In re Artra Group, Inc., 308 B.R. 858 (Bankr. N.D. Ill. 2003); *Official Comm. Of Unsecured Creditors of Artra Group, Inc. v. Artra Group, Inc. (In re Artra Group, Inc.)*, 300 B.R. 699 (Bankr. N.D. Ill. 2003).

ASARCO, Inc. v. Elliot Management (in re ASARCO, LLC), 650 F.3d 593 (5th Cir. 2011); *United Steel, Paper and Forestry, etc. Service Workers Int'l Union AFL-CIO v. Asarco Incorporated (In re ASARCO LLC)*, 401 Fed. Appx. 914 (5th Cir. 2010); *In re ASARCO LLC*, 441 B.R. 813 (S.D. Tex. 2010), *aff'd*, *ASARCO, Inc. v. Elliot Management (In re ASARCO, LLC)*, 650 F.3d 593 (5th Cir. 2011); *ASARCO, LLC v. Barclays Capital Inc. (In re ASARCO LLC)*, 457 B.R. 575 (S.D. Tex. 2011); *In re ASARCO LLC*, 420 B.R. 314 (S.D. Tex. 2009); *ASARCO LLC v. Americas Mining Corp.*, 419 B.R. 737 (S.D. Tex. 2009); *ASARCO LLC v. Americas Mining Corp.*, 404 B.R. 150 (S.D. Tex. 2009); *ASARCO LLC v. Americas Mining Corp.*, 396 B.R. 278 (S.D. Tex. 2008); *ASARCO LLC v. Americas Mining Corp.*, 382 B.R. 49 (Bankr. S.D. Tex. 2007). See also *Center for Biological Diversity v. Dept. of the Interior*, 623 F.3d 633 (9th Cir. 2010).

Amended plan confirmed by the bankruptcy court on January 25, 2007 and by the district court on February 16, 2007.

Two competing plans were presented to the bankruptcy court during the confirmation hearing: (i) the seventh amended plan of reorganization of Debtors' estranged parent, Asarco, Inc., as modified on August 27, 2009; and (ii) Debtors' sixth amended plan of reorganization, as modified August 27, 2009. Consideration of a third competing plan, filed by Harbinger Capital, a bondholder of Asarco LLC, was abated on Harbinger's motion. The bankruptcy court confirmation hearing concluded on August 28, 2009.

On August 31, 2009, the bankruptcy judge issued a report and recommendation recommending confirmation of the Parent's plan. Debtors appealed the report and recommendation to the District Court.

On September 10, 2009, Debtors filed further modifications to their sixth plan of reorganization. On September 24, 2009, the bankruptcy judge issued a report and recommendation reiterating, in the face of Debtors' September 10 supplemental filing, that the Parent's plan should be confirmed. On November 13, 2009, the district court entered an order confirming the Parent's plan. Appeals to the Fifth Circuit were dismissed by that court as equitably moot on November 12, 2010.

No. 02-21522 (Bankr. N.D. Ill.)

No. 05-21207 (Bankr. S.D. Tex.)

Artra Group, Inc.

Asarco, LLC

Chart 3 (Continued)

Company	Case No. & Court	Plan Status	Published Decisions
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>Caplin & Drysdale Child. v. Babcock & Wilcox Co.</i> (In re Babcock & Wilcox Co.), 526 F.3d 824 (5th Cir. 2008); <i>Amer. Nuclear Insurers v. The Babcock & Wilcox Co.</i> (In re The Babcock & Wilcox Co.), 69 Fed. Appx. 659 (5th Cir. 2003); <i>Clyde Bergemann, Inc. v. The Babcock & Wilcox Co.</i> (In re The Babcock & Wilcox Co.), 250 F.3d 955 (5th Cir. 2001); <i>In re Babcock & Wilcox Co.</i> , 425 B.R. 266 (E.D. La. 2010), <i>vacating and remanding In re Babcock & Wilcox Co.</i> , 413 B.R. 337 (Bankr. E.D. La. 2009), <i>vacated</i> , 425 B.R. 266 (E.D. La. 2010); <i>The Babcock & Wilcox Co. v. Southern Indiana Gas & Elec. Co.</i> (In re The Babcock & Wilcox Co.), 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>Wilcox Constr. Co. v. Babcock & Wilcox Co.</i> (In re Babcock & Wilcox Co.), 250 F.3d 955 (5th Cir. 2001). <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; confirmed by the district court on January 5, 2007.	
Burns & Roe	No. 00-41610 (Bankr. D.N.J.)	Fourth amended plan confirmed by the district court on February 23, 2009.	
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 Celotex-related decisions.</i>
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>Claremont McKenna College v. Asbestos Settlement Trust (In re Celotex Corp.)</i> , 613 F.3d 1318 (11th Cir. 2010); <i>Asbestos Settlement Trust v. Continental Ins. Co.</i> (In re Celotex Corp.), 299 Fed. Appx. 850 (11th Cir. 2008); <i>Fibreboard Corp. v. Celotex Corp.</i> (In re Celotex Corp.), 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.</i> (In re Celotex Corp.),

124 F.3d 619 (4th Cir. 1997); *Hillsborough Holdings Corp. v. Celotex Corp.*, 123 B.R. 1018 (M.D. Fla. 1990); *Southern Wesleyan Univ. v. Andrews (In re Celotex Corp.)*, 427 B.R. 909 (Bankr. M.D. Fla. 2010); *Asbestos Settlement Trust v. Anderson Mem. Hosp. (In re Celotex Corp.)*, 380 B.R. 895 (Bankr. M.D. Fla. 2008); *In re Celotex Corp.*, 380 B.R. 623 (Bankr. M.D. Fla. 2007); *Asbestos Settlement Trust v. Port Auth. Of NY & NJ (In re Celotex Corp.)*, 377 B.R. 345 (Bankr. M.D. Fla. 2006); *Celotex Corp. v. Allstate Ins. Co. (In re Celotex Corp.)*, 336 B.R. 833 (Bankr. M.D. Fla. 2005); *Asbestos Settlement Trust v. Utah (In re Celotex Corp.)*, 330 B.R. 815 (Bankr. M.D. Fla. 2005); *In re Celotex Corp.*, 289 B.R. 460 (Bankr. M.D. Fla. 2003); *In re Celotex Corp.*, 245 B.R. 174 (Bankr. M.D. Fla. 2000); *In re Celotex Corp.*, 224 B.R. 853 (Bankr. M.D. Fla. 1998); *In re Celotex Corp.*, 204 B.R. 586 (M.D. Fla. 1996); *Celotex Corp. v. AIU Ins. Co. (In re Celotex Corp.)*, 187 B.R. 746 (M.D. Fla. 1995); *In re Celotex Corp.*, 152 B.R. 667 (Bankr. M.D. Fla. 1993); *In re Celotex Corp.*, 149 B.R. 997 (Bankr. M.D. Fla. 1993); *In re Celotex Corp.*, 140 B.R. 912 (Bankr. M.D. Fla. 1992); *In re Celotex Corp.*, 123 B.R. 917 (Bankr. M.D. Fla. 1991); *Hillsborough Holdings Corp. v. Celotex Corp. (In re Hillsborough Holdings Corp.)*, 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.
Chicago Fire Brick	No. 01-45483 (Bankr. N.D. Cal.)	Petition filed October 10, 2001. Second Amended Plan filed July 11, 2010. Second Amended Disclosure Statement approved September 9, 2010.
Christy Refractories Co. LLC	No. 08-48541 (Bankr. E.D. Mo.)	Petition filed October 29, 2008. On July 13, 2011, the bankruptcy court issued an order confirming the First Amended Plan and recommending that the district court issue the 524(g) injunctions. On August 19, 2011, the district court entered an order issuing the 524(g) injunctions.
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

In re Combustion Eng'g, Inc., 391 F.3d 190 (3d Cir. 2004); *Certain Underwriters at Lloyd's, London v. ABB Lummus Global, Inc.*, 337 B.R. 22 (S.D.N.Y. 2005); *TIG Ins. Co. v. Combustion Eng'g, Inc. (In re Combustion Eng'g, Inc.)*, 366 F. Supp.2d 224 (D. Del. 2005); *In re ACands, Inc.*, 2011 WL 4801527, ___ B.R. ___ (Bankr. D. Del. Oct. 7, 2011) (also entered in the *Armstrong, Combustion Engineering, Flintkote, Kaiser Aluminum, Owens Corning, U.S. Mineral Products, USG, W.R. Grace, Pittsburgh Corning,*

Chart 3 (Continued)

Company	Case No. & Court	Plan Status	Published Decisions
Congoleum Corp.	No. 03-51524 (KCF) (Bankr. D.N.J.)	order affirming the bankruptcy court's confirmation order entered on March 1, 2006.	NARCO, and Mid-Valley bankruptcy cases); <i>In re Combustion Eng'g, Inc.</i> , 295 B.R. 459 (Bankr. D. Del. 2003), <i>rev'd</i> , <i>In re Combustion Eng'g, Inc.</i> , 391 F.3d 190 (3d Cir. 2004); <i>Pre-Petition Comm. of Select Asbestos Claimants v. Combustion Eng'g, Inc.</i> (<i>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.)	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. On June 5, 2008, the bankruptcy court issued an opinion finding an amended proposed plan of reorganization filed on February 5, 2008 by debtors, future claimants' representative, and the official bondholder's committee the plan unconfirmable as a matter of law. On February 26, 2009, the bankruptcy court issued an opinion finding an amended joint plan filed on November 14, 2008 by debtors, the official bondholder's committee, and the official committee of asbestos claimants unconfirmable as a matter of law, and stating that the Chapter 11 case would be dismissed as of March 18, 2009. The bankruptcy court stayed its dismissal order pending appeal on March 3, 2009.	<i>Century Indem. Co. v. Congoleum Corp.</i> (<i>In re Congoleum Corp.</i>), 426 F.3d 675 (3d Cir. 2005); <i>In re Congoleum Corp.</i> , 414 B.R. 44 (D.N.J. 2009); <i>Baron & Budd, P.C. v. Unsecured Asbestos Claimants Comm.</i> (<i>In re Congoleum Corp.</i>), 321 B.R. 147 (D.N.J. 2005); <i>In re Congoleum Corp.</i> , 362 B.R. 198 (Bankr. D.N.J. 2007); <i>In re Congoleum Corp.</i> , 362 B.R. 167 (Bankr. D.N.J. 2007).
		On August 17, 2009, the district court entered an order reversing in part and affirming in part the bankruptcy court's order denying confirmation of the plan, reversing and vacating the bankruptcy court's order dismissing the Chapter 11 case, and withdrawing the reference as to all future proceedings in the bankruptcy case. On September 24, 2009, certain insurers filed an appeal of the district court's order. On October 5, 2009, the district court issued an opinion and order refusing to certify the appeal for interlocutory review.	
		On June 7, 2010, the District Court confirmed the Fourth Amended Joint Plan of Reorganization filed by	

Debtors, the ACC, the FCR, and the official committee of bondholders on March 11, 2010. An appeal to the Third Circuit by certain claimants (No. 10-3011) was dismissed as "equitably moot" on October 7, 2010.

C.P. Hall Company	No. 11-26443 (Bankr. N.D. Ill.)	Petition filed June 24, 2011.
Dana Corporation	No. 06-10354 (BRL) (Bankr. S.D.N.Y.)	Plan confirmed by bankruptcy court December 26, 2007; appeals by certain asbestos claimants dismissed by the district court on September 30, 2008; remaining appeal by one asbestos claimant dismissed by the Second Circuit on December 23, 2008.
Delaware Insulations Distributors	No. 89-00295 (Bankr. D. Del.)	Plan confirmed by the bankruptcy court on September 9, 1992.
Durabla Manufacturing Co.	No. 09-14415-MFW (Bankr. D. Del.)	Petition filed December 15, 2009. Durabla Canada filed its own petition on November 8, 2010 (No. 10-13593). Plan filed by debtors, ACC, and FCR on November 8, 2010, withdrawn on June 29, 2011 and refiled that same day. Disclosure statement approved September 22, 2011.
Eagle-Picher Industries	No. 91-10100 (Bankr. S.D. Ohio)	Plan confirmed by the bankruptcy and district courts on November 18, 1996.
	No. 05-12601 (Bankr. S.D. Ohio)	Company filed a new bankruptcy petition on April 11, 2005. Plan confirmed by the bankruptcy court on June 28, 2006.
E.J. Bartells Co., Inc.	No. 00-10390 (Bankr. W.D. Wash.)	Plan confirmed by the bankruptcy court on February 14, 2001.

Jasco Tools, Inc. v. Dana Corp. (In re Dana Corp.), 574 F.3d 129 (2d Cir. 2009); *Ad Hoc Comm. Of Personal Injury Asbestos Claimants v. Dana Corp.* (In re Dana Corp.), 412 B.R. 53 (S.D.N.Y. 2008); *In re Dana Corp.*, 379 B.R. 449 (S.D.N.Y. 2007); *In re Dana Corp.*, 390 B.R. 100 (Bankr. S.D.N.Y. 2008); *In re Dana Corp.*, 367 B.R. 409 (Bankr. S.D.N.Y. 2007); *In re Dana Corp.*, 358 B.R. 567 (Bankr. S.D.N.Y. 2006); *In re Dana Corp.*, 351 B.R. 96 (Bankr. S.D.N.Y. 2006); *In re Dana Corp.*, 350 B.R. 144 (Bankr. S.D.N.Y. 2006); *In re Dana Corp.*, 344 B.R. 35 (Bankr. S.D.N.Y. 2006).

Caradon Doors & Windows, Inc. v. Eagle-Picher Indus., Inc. (In re Eagle-Picher Indus., Inc.), 447 F.3d 461 (3d Cir. 2006); *American Imaging Services, Inc. v. Eagle-Picher Indus., Inc.* (In re Eagle-Picher Indus., Inc.), 963 F.2d 855 (6th Cir. 1992); *In re Eagle-Picher Holdings, Inc.*, 345 B.R. 860 (S.D. Ohio 2006); *Official Comm. of Unsecured Creditors v. Eagle-Picher Indus., Inc.* (In re Eagle-Picher Indus., Inc.), 169 B.R. 130 (S.D. Ohio 1994); *In re Eagle-Picher Indus.*, 203 B.R. 256 (Bankr. S.D. Ohio 1996), *aff'd*, 1996 U.S. Dist. LEXIS 17160 (S.D. Ohio Nov. 18, 1996), *aff'd without op.*, 172 F.3d 48 (6th Cir. 1998); *In re Eagle-Picher Indus.*, 189 B.R. 681 (Bankr. S.D. Ohio 1995), *aff'd*, 1996 U.S. Dist. Lexis 22742 (S.D. Ohio 1996); *In re Eagle-Picher Indus.*, 144 B.R. 69 (Bankr. S.D. Ohio 1992).

Chart 3 (Continued)

Company	Case No. & Court	Plan Status	Published Decisions
Federal-Mogul	No. 01-10578 (Bankr. D. Del.)	Plan confirmed by bankruptcy court on November 8, 2007; confirmation order affirmed by district court on November 15, 2007. Opinion and order declining confirmation of alternative "Plan B" entered by the bankruptcy court on September 30, 2008.	<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> , 402 B.R. 625 (D. Del. 2009), <i>aff'd In re Federal-Mogul Global, Inc.</i> , 385 B.R. 560 (Bankr. D. Del. 2008); <i>In re Federal-Mogul Global, Inc.</i> , 330 B.R. 133 (D. Del. 2005); <i>In re Federal-Mogul Global, Inc.</i> , 438 B.R. 787 (Bankr. D. Del. 2010); <i>In re Federal-Mogul Global, Inc.</i> , 411 B.R. 148 (Bankr. D. Del. 2008); <i>In re Federal-Mogul Global, Inc.</i> , 385 B.R. 560 (Bankr. D. Del. 2008); <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). See also <i>Federal-Mogul U.S. Asbestos Personal Injury Trust v. Continental Cas. Co.</i> , ___ F.3d ___, No. 10-1290 (6th Cir. July 8, 2011); <i>Arnold v. Garlock</i> , 278 F.3d 426 (5th Cir. 2001).
Flintkote Co.	No. 04-11300 (JKE) (Bankr. D. Del.)	Amended plan filed by Debtors, the Asbestos Claimants' Committee, and the Future Claims Representative on June 22, 2009. Confirmation hearing commenced October 25-26, 2010 and continued on September 12, 13, and 19, 2011. Certain post-confirmation hearing amendments were made during November, 2011. Closing arguments are scheduled for March 28, 2012.	<i>Hopkins v. Plant Insulation Co.</i> , 342 B.R. 703 (D. Del. 2006); <i>Certain Underwriters at 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> ; <i>In re ACandS, Inc.</i> , 2011 WL 4801527, ___ B.R. ___ (Bankr. D. Del. Oct. 7, 2011) (also entered in the <i>Armstrong, Combustion Engineering, Flintkote, Kaiser Aluminum, Owens Corning, U.S. Mineral Products, USG, W.R. Grace, Pittsburgh Corning, NARCO</i> , and <i>Mid-Valley</i> bankruptcy cases). See also <i>Flintkote Co. v. Gen'l Acc. Assur. Co.</i> , 480 F. Supp.2d 1167 (N.D. Cal. 2007); <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.	See <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).

Garlock Sealing Technologies LLC	No. 10-31607 (Bankr. W.D.N.C.)	Petition filed June 5, 2010. Co-debtors are The Anchor Packing Company and Garrison Litigation Management Group Ltd. Debtors filed a plan of reorganization on November 28, 2011.
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.
General Motors Corp. (n/k/a Motors Liquidation Co.)	No. 09-50026 (Bankr. S.D.N.Y.)	Petition filed June 1, 2009. Asbestos Claimants' Committee appointed March 2, 2010. Debtors' motion for appointment of an FCR granted April 8, 2010. Amended Joint Chapter 11 Plan filed December 7, 2010. Motion to estimate Debtors' asbestos liabilities filed November 15, 2010. Stipulation estimating Debtors' asbestos liability at \$625 million filed January 21, 2011.
G-I Holdings	Nos. 01-30135 [RG] and 01-38790 [RG] (Bankr. D.N.J.)	Eighth amended joint plan of reorganization filed October 5, 2009 by Debtor, Official Committee of Asbestos Claimants, and Legal Representative of future claimants. Order confirming the plan jointly issued by the bankruptcy court and district court on November 12, 2009. On December 17, 2009, after Debtor claims that it substantially consummated its plan, the Third Circuit issued a stay pending appeal (No. 09-4296). The Third Circuit entered an order on January 5, 2010 stating that the stay would be vacated pursuant to a stipulation between the Debtor and the IRS.

In re Motors Liquidation Co., 439 B.R. 339 (S.D.N.Y. 2010); *In re Motors Liquidation Co.*, 436 B.R. 752 (S.D.N.Y. 2010); *In re Motors Liquidation Co.*, 447 B.R. 150, (Bankr. S.D.N.Y. 2011); *In re Motors Liquidation Co.*, 438 B.R. 365 (Bankr. S.D.N.Y. 2010); *In re General Motors Corp.*, 409 B.R. 24 (Bankr. S.D.N.Y. 2009); *In re General Motors Corp.*, 407 B.R. 463 (Bankr. S.D.N.Y. 2009).

G-I Holdings, Inc. v. Reliance Ins. Co., 586 F.3d 247 (3d Cir. 2009); *Official Comm. of Asbestos Claimants v. G-I Holdings, Inc. (In re G-I Holdings, Inc.)*, 385 F.3d 313 (3d Cir. 2004); *In re G-I Holdings Inc.*, 420 B.R. 216 (D.N.J. 2009); *Official Comm. of Asbestos Claimants of G-I Holdings, Inc. v. Heyman*, 359 B.R. 452 (S.D.N.Y. 2007); *Official Comm. of Asbestos Claimants of G-I Holdings, Inc. v. Heyman*, 342 B.R. 416 (S.D.N.Y. 2006); *In re G-I Holdings, Inc.*, 380 F. Supp.2d 469 (D.N.J. 2005); *Official Comm. of Asbestos Claimants v. Bank of N.Y. (In re G-I Holdings, Inc.)*, 318 B.R. 66 (D.N.J. 2004), *aff'd*, 122 Fed. Appx. 554 (3d Cir. 2004); *Official Comm. of Asbestos Claimants of G-I Holdings, Inc. v. Heyman*, 306 B.R. 746 (S.D.N.Y. 2004); *In re G-I Holdings, Inc.*, 295 B.R. 502 (D.N.J. 2003); *Official Comm. of Asbestos Claimants v. G-I Holdings, Inc. (In re G-I Holdings, Inc.)*, 295 B.R. 211 (D.N.J. 2003); *In re G-I Holdings, Inc.*, 295 B.R. 222 (D.N.J. 2003); *In re G-I Holdings, Inc.*, 295 B.R. 502 (D.N.J. 2003); *In re G-I Holdings, Inc.*, 218 F.R.D. 428 (D.N.J. 2003); *Official Comm. of Asbestos Claimants of G-I Holdings v. Heyman*, 277 B.R. 20 (S.D.N.Y. 2002); *In re G-I Holdings, Inc.*, 443 B.R. 645 (Bankr. D.N.J. 2010); *Official Comm. of Asbestos Claimants v. Bldg. Mat'l's Corp. of America (In re G-I Holdings, Inc.)*, 338 B.R. 232 (Bankr. D.N.J. 2006); *G-I Holdings, Inc. v. Bennet (In re G-I Holdings, Inc.)*, 328 B.R. 691 (Bankr. D.N.J. 2005); *In re G-I Holdings, Inc.*, 327 B.R. 730 (Bankr. D.N.J. 2005); *In re G-I Holdings*, 323 B.R. 583 (Bankr. D.N.J. 2005); *G-I Holdings, Inc. v. 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.

Chart 3 (Continued)

Company	Case No. & Court	Plan Status	Published Decisions
GIT/Harbison-Walker/AP Green	No. 02-21626 (Bankr. W.D. Pa.)	Third amended plan filed by GIT and NARCO on December 28, 2005 approved by the bankruptcy court on November 13, 2007; confirmation order affirmed by the district court on July 25, 2008; confirmation order vacated by the Third Circuit and remanded on May 4, 2011.	D.N.J. 2004); <i>In re G-I Holdings, Inc.</i> , 292 B.R. 804 (Bankr. D.N.J. 2003); <i>G-I Holdings, Inc. v. Hartford Acc. & Indem. Co. (In re G-I Holdings, Inc.)</i> , 278 B.R. 376 (Bankr. D.N.J. 2002); <i>G-I Holdings, Inc. v. Reliance Ins. Co. (In re G-I Holdings, Inc.)</i> , 278 B.R. 725 (Bankr. D.N.J. 2002). <i>Hartford Acc. & Indem. Co. v. Fitzpatrick (In re Global Indus. Techs., Inc.)</i> , 645 F.3d 201 (3d Cir. 2011), cert. denied, — S. Ct. — (Nov. 7, 2011); <i>Global Indus. Techs., Inc. v. Ash Trucking Co. (In re Global Indus. Techs., Inc.)</i> , 375 B.R. 155 (Bankr. W.D. Pa. 2007); <i>In re Global Indus. Techs.</i> , 344 B.R. 382 (Bankr. W.D. Pa. 2006); <i>Global Indus. Techs., Inc. v. Ash Trucking Co. (In re Global Indus. Techs., Inc.)</i> , 333 B.R. 251 (Bankr. W.D. Pa. 2005); <i>Harbison-Walker Refractories Co. v. ACE Prop. & Cas. Ins. Co. (In re Global Indus. Techs., Inc.)</i> , 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>In re Joy Global, Inc.</i> , 423 B.R. 445 (D. Del. 2010); <i>In re Joy Global, Inc.</i> , 381 B.R. 603 (D. Del. 2007); <i>In re Joy Global, Inc.</i> , 346 B.R. 659 (D. Del. 2006); <i>appeal dismissed</i> , 257 Fed. Appx. 539 (3d Cir. 2007); <i>In re Harnischfeger Indus., Inc.</i> , 270 B.R. 188 (D. Del. 2001), vacated in part and remanded, 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).
Harnischfeger Corp.	No. 99-02171 (Bankr. Del.)	Amended plan confirmed by the bankruptcy court on May 18, 2001.	
Hercules Chemical Co.	No. 08-27822-MS	Petition filed August 22, 2008 in the Western District of Pennsylvania. Transferred to the District of New Jersey on September 18, 2008. On December 22, 2009, the bankruptcy court recommended confirmation of Hercules' plan of reorganization. On January 6, 2010, the district court entered an order confirming the plan.	
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>Cavazos 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.

	<p>1996); <i>Hillsborough Holdings Corp. v. Celotex Corp.</i>, 123 B.R. 1018 (M.D. Fla. 1990); <i>Hillsborough Holdings Corp. v. Celotex Corp.</i> (In re <i>Hillsborough Holdings Corp.</i>), 123 B.R. 1004 (Bankr. M.D. Fla. 1990).</p>
<p>H.K. Porter Co.</p>	<p>Plan confirmed by the district court on June 25, 1998.</p> <p>No. 91-468 WWB (Bankr. W.D. Pa.)</p> <p><i>Travelers Ins. Co. v. H.K. Porter Co.</i>, 45 F.3d 737 (3d Cir. 1995); <i>Continental Cas. Co. v. H.K. Porter Co.</i> (In re <i>H.K. Porter Co.</i>), 379 B.R. 272 (W.D. Pa. 2007), <i>affg</i> In re <i>H.K. Porter Co.</i>, 358 B.R. 231 (Bankr. W.D. Pa. 2006); <i>Locks v. U.S. Trustee</i>, 157 B.R. 89 (W.D. Pa. 1993); In re <i>H.K. Porter Co.</i>, 183 B.R. 96 (Bankr. W.D. Pa. 1995); In re <i>H.K. Porter Co.</i>, 156 B.R. 16 (Bankr. W.D. Pa. 1993).</p>
<p>Insul Co.</p>	<p>Chapter 7 case; petition filed September 4, 2002; no-asset report filed May 18, 2005; case closed June 7, 2005.</p> <p>No. 02-43909 (Bankr. N.D. Ohio)</p>
<p>Johns-Manville Corp.</p>	<p>Plan confirmed by the bankruptcy court on December 22, 1986 and affirmed by the district court on July 15, 1987.</p> <p>Nos. 82 B 11656 [BLR] through 82 B 11676 [BLR] (S.D.N.Y., E.D.N.Y.)</p> <p><i>Travelers Indem. Co. v. Bailey</i>, 557 U.S. 137, 129 S. Ct. 2195 (2009); <i>Travelers Cas. & Sur. Co. v. Chubb Indem. Ins. Co.</i> (In re <i>Johns-Manville Corp.</i>), 600 F.3d 135 (2d Cir. 2010), <i>cert. denied</i>, 131 S. Ct. 644 (U.S. 2010); <i>Johns-Manville Corp. v. Chubb Indem. Ins. Co.</i> (In re <i>Johns-Manville Corp.</i>), 517 F.3d 52 (2d Cir. 2008), <i>rev'd</i>, 129 S. Ct. 2195 (2009); <i>The Asbestos Personal Injury Plaintiffs v. Travelers Indem. Co.</i> (In re <i>Johns-Manville Corp.</i>), 476 F.3d 118 (2d Cir. 2007); <i>State Gov't Creditors' Comm. for Prop. Damage Claims v. McKay</i> (In re <i>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.</i> (In re <i>Johns-Manville Corp.</i>), 837 F.2d 89 (2d Cir. 1988), <i>cert denied</i>, 488 U.S. 868 (1988); In re <i>Comm. of Asbestos-Related Litigants</i>, 749 F.2d 3 (2d Cir. 1984); <i>Travelers Indem. Co. v. Common Law Settlement Counsel</i> (In re <i>Johns-Manville Corp.</i>), 449 B.R. 31 (S.D.N.Y. 2011); In re <i>Johns-Manville Corp.</i>, 340 B.R. 49 (S.D.N.Y. 2006), <i>rev'd</i>, 517 F.2d 52 (2d Cir. 2008), <i>rev'd</i>, 557 U.S. 137, 129 S.Ct. 2195 (2009), <i>on remand</i>, 600 F.3d 135 (2d Cir. 2010); In re <i>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>Albero v. Johns-Manville Corp.</i> (In re <i>Johns-Manville Corp.</i>), 68 B.R. 155, (S.D.N.Y. 1986); <i>United States v. Johns-Manville Corp.</i>, 63 B.R. 600 (S.D.N.Y. 1986); <i>Manville Corp. v. Equity Sec. Holders' Comm.</i> (In re <i>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); In re <i>Johns-Manville Corp.</i>, 52 B.R. 940 (S.D.N.Y. 1985); In re <i>Johns-Manville Corp.</i>, 45 B.R. 827 (S.D.N.Y. 1984); <i>Roberts v. Johns-Manville Corp.</i> (In re <i>Johns-Manville Corp.</i>), 45 B.R. 823 (S.D.N.Y. 1984); In re <i>Johns-Manville Corp.</i>, 42 B.R. 651 (S.D.N.Y. 1984); In re <i>Johns-Manville Corp.</i>, 40 B.R. 219 (S.D.N.Y. 1984), <i>affg Johns-Manville Corp. v. Asbestos Litig. Group</i> (In re <i>Johns-Manville Corp.</i>), 26 B.R.</p>

Chart 3 (Continued)

Company	Case No. & Court	Plan Status	Published Decisions
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 after 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.	420 (Bankr. S.D.N.Y. 1983), and <i>GAF Corp. v. Johns-Manville Corp.</i> (In re <i>Johns-Manville Corp.</i>), 26 B.R. 405 (Bankr. S.D.N.Y. 1983); <i>In re Johns-Manville Corp.</i> , 39 B.R. 998 (S.D.N.Y. 1984); <i>Commercial Union Ins. Co. v. Johns-Manville Corp.</i> (In re <i>Johns-Manville Corp.</i>), 31 B.R. 965 (S.D.N.Y. 1983); <i>In re Johns-Manville Corp.</i> , 440 B.R. 604 (Bankr. S.D.N.Y. 2010); <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.</i> (In re <i>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</i> (In re <i>Johns-Manville Corp.</i>), 33 B.R. 254 (Bankr. S.D.N.Y. 1983); <i>Findley v. Falise</i> (In re <i>Joint Eastern & Southern Districts Asbestos Litig.</i>), 878 F. Supp. 473 (E. & S.D.N.Y. 1995), <i>aff'd in part, rev'd in part</i> , 78 F.3d 764 (2d Cir. 1996); <i>Findley v. Falise</i> (In re <i>Johns-Manville Corp.</i>), 982 F.2d 721 (2d Cir. 1992). <i>See also Volkswagen of America, Inc. v. Superior Court</i> , 139 Cal. App.4th 1481 (2006); <i>Findley v. Trustees of the Manville Personal Injury Settlement Trust</i> (In re <i>Joint E. & S. Dist. Asbestos Litig.</i>), 237 F. Supp.2d 297 (Bankr. S.D.N.Y. 2002); <i>In re Davis</i> , 730 F.2d 176 (5th Cir. 1984) (per curiam).
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.	<i>In re JT Thorpe Co.</i> , 308 B.R. 782 (Bankr. S.D. Tex. 2003).
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> , 386 Fed. Appx. 201 (3d Cir. 2010), vacating and remanding <i>Moss Landing Commercial Park, LLC v. Kaiser Aluminum Corp.</i> (In re <i>Kaiser Aluminum Corp.</i>), 399 B.R. 596 (D. Del. 2009); <i>Law Debenture Trust Co. of New York v. Kaiser Aluminum Corp.</i> (In re <i>Kaiser Aluminum Corp.</i>), 380 B.R. 344 (D. Del. 2008); <i>Public Utility Dist. No. 1</i>

of Clark Cty. v. Kaiser Aluminum Corp. (In re Kaiser Aluminum Corp.), 365 B.R. 447 (D. Del. 2007); *In re Kaiser Aluminum Corp.*, 343 B.R. 88 (D. Del. 2006); *Law Debenture Trust Co. v. Kaiser Aluminum Corp. (In re Kaiser Aluminum Corp.)*, 339 B.R. 91 (D. Del. 2006); *Certain Underwriters at Lloyd's, London v. Future Asbestos Claims Representative (In re Kaiser Aluminum Corp.)*, 327 B.R. 554 (D. Del. 2005); *Safety Nat'l Cas. Corp. v. Kaiser Aluminum & Chem. Corp. (In re Kaiser Aluminum Corp.)*, 303 B.R. 299 (D. Del. 2003); *In re ACandS, Inc.*, 2011 WL 4801527, ___ B.R. ___ (Bankr. D. Del. Oct. 7, 2011) (also entered in the *Armstrong, Combustion Engineering, Flintkote, Kaiser Aluminum, Owens Corning, U.S. Mineral Products, USG, W.R. Grace, Pittsburgh Corning, NARCO*, and *Mid-Valley* bankruptcy cases). See also *Volkswagen of America, Inc. v. Superior Court*, 139 Cal. App.4th 1481 (2006).

In re Keene Corp., 171 B.R. 180 (Bankr. S.D.N.Y. 1994); *Keene Corp. v. Coleman (In re Keene Corp.)*, 166 B.R. 31 (Bankr. S.D.N.Y. 1994); *In re Keene Corp.*, 164 B.R. 844 (Bankr. S.D.N.Y. 1994); *Keene Corp. v. Acstar Ins. Co. (In re Keene Corp.)*, 162 B.R. 935 (Bankr. S.D.N.Y. 1994).

In re Leslie Controls, Inc., 437 B.R. 493 (Bankr. D. Del. 2010).

In re Lloyd E. Mitchell Co., 373 B.R. 416 (Bankr. D. Md. 2007).

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.

Leslie Controls, Inc. No. 10-12199-CSS (Bankr. D. Del.) Voluntary petition, plan, and disclosure statement filed July 12, 2010. Confirmation order entered by the bankruptcy court on October 28, 2010. An appeal was filed on October 29, 2010 (No. 10-924 (D. Del.)) but remanded to the bankruptcy court, prior to argument, on January 14, 2011. Order confirming a revised plan entered by the bankruptcy court January 18, 2011. Order affirming the bankruptcy court's confirmation order entered by the district court February 7, 2011 (No. 11-013, D. Del.); district court issued additional findings in support of confirmation on March 28, 2011.

Lloyd E. Mitchell Co. No. 06-13250 (Bankr. D. Md.) First amended joint plan of liquidation filed by Debtor and ACC on July 8, 2008. On May 6, 2009, Debtor and the ACC filed a joint motion to dismiss the Chapter 11 case. On May 29, 2009, insurers Maryland Casualty and Travelers filed a plan of liquidation and a cross-motion to appoint a trustee filed by insurers

Chart 3 (Continued)

Company	Case No. & Court	Plan Status	Published Decisions
		Maryland Casualty and Travelers, which was heard September 30, October 1, and October 9, 2009; a ruling is pending. On May 13, 2010, the bankruptcy court issued a stipulated order staying its consideration of the trustee cross-motion through October 13, 2010.	
Lykes Bros. Steamship Co.	No. 95-10453 (M.D. Fla.)	Plan confirmed by the bankruptcy court on April 15, 1997 and by the district court on April 15, 1997.	<i>In re Lykes Bros. Steamship Co.</i> , 399 B.R. 555 (Bankr. M.D. Fla. 2009).
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> , 288 Fed. Appx. 784 (3d Cir. 2008); <i>In re Mid-Valley, Inc.</i> , 305 B.R. 425 (Bankr. W.D. Pa. 2004); <i>In re ACands, Inc.</i> , 2011 WL 4801527, ___ B.R. ___ (Bankr. D. Del. Oct. 7, 2011) (also entered in the <i>Armstrong, Combustion Engineering, Flintkote, Kaiser Aluminum, Owens Corning, U.S. Mineral Products, USG, W.R. Grace, Pittsburgh Corning, NARCO</i> , and <i>Mid-Valley</i> bankruptcy cases). See also <i>Archdiocese of Milwaukee Supporting Fund, Inc. v. Halliburton Co.</i> , 597 F.3d 330 (5th Cir. 2010), cert. granted, Jan. 7, 2011.
The Muralo Co.	No. 03-26723-MS (Bankr. D.N.J.)	Plan confirmed by the bankruptcy court on December 21, 2007.	<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./Anchor Holdings Inc.	No. 90-37213 (Bankr. N.D. Tex.)	Plan confirmed by the bankruptcy court on 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> , 208 F.3d 498 (5th Cir. 2000); <i>Donaldson Lufkin 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> , 139 B.R. 397 (N.D. Tex. 1992); <i>In re National Gypsum Co.</i> , 134 B.R. 188 (N.D. Tex. 1991); <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). See also <i>United</i>

States Fire Ins. Co. v. National Gypsum Co., 101 F.3d 813 (2d Cir. 1996); *Browning v. Prostok*, 165 S.W.3d 336 (Tex. 2005).

In re North American Refractories Co., 280 B.R. 356 (Bankr. W.D. Pa. 2002); *In re ACandS, Inc.*, 2011 WL 4801527, ___ B.R. ___ (Bankr. D. Del. Oct. 7, 2011) (also entered in the *Armstrong, Combustion Engineering, Flintkote, Kaiser Aluminum, Owens Corning, U.S. Mineral Products, USG, W.R. Grace, Pittsburgh Corning, NARCO*, and *Mid-Valley* bankruptcy cases). See also *Continental Ins. Co. v. Honeywell Int'l, Inc.*, 406 N.J. Super. 156, 967 A.2d 315 (N.J. App. Div. 2009); *Travelers Cas. & Sur. Co. v. Honeywell Int'l Inc.*, 851 N.Y.S.2d 426 (N.Y. App. Div. 2008).

North American Refractories Corp. (NARCO) No. 02-20198 (Bankr. W.D. Pa.) Third amended plan filed by GIT and NARCO on December 28, 2005 approved by the bankruptcy court November 13, 2007; district court order affirming bankruptcy court order entered July 25, 2008; Third Circuit appeal filed August 25, 2008.

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; confirmation order affirmed by the district court on September 28, 2006.

In re Owens Corning, 419 F.3d 195 (3d Cir. 2005), *rev'd In re Owens Corning*, 316 B.R. 168 (D. Del. 2004); *Owens Corning v. Credit Suisse First Boston*, 322 B.R. 719 (D. Del. 2005); *In re Owens Corning*, 305 B.R. 175 (D. Del. 2004); *In re Owens Corning*, 291 B.R. 329 (Bankr. D. Del. 2003); *In re Kensington Int'l Ltd.*, 368 F.3d 289 (3d Cir. 2004), *rev'd In re Owens Corning*, 316 B.R. 168 (Bankr. D. Del. 2004) (also applicable to the *Armstrong, Federal-Mogul, USG Corp.*, and *W.R. Grace* bankruptcies); *In re Kensington Int'l Ltd.*, 353 F.3d 211 (3d Cir. 2003) (also applicable to the *Armstrong, Federal-Mogul, USG Corp.*, and *W.R. Grace* bankruptcies); *In re ACandS, Inc.*, 2011 WL 4801527, ___ B.R. ___ (Bankr. D. Del. Oct. 7, 2011) (also entered in the *Armstrong, Combustion Engineering, Flintkote, Kaiser Aluminum, Owens Corning, U.S. Mineral Products, USG, W.R. Grace, Pittsburgh Corning, NARCO*, and *Mid-Valley* bankruptcy cases). See also *Fibreboard Corp. v. Celotex Corp.* (In re *Celotex Corp.*), 472 F.3d 1318 (11th Cir. 2006); *Rogers v. McCulloch*, 173 Fed. Appx. 371 (6th Cir. 2006); *Wright v. Owens Corning*, 450 B.R. 541 (W.D. Pa. 2011).

Philadelphia Asbestos Corp. (Pacor, Inc.) No. 86-03252G (Bankr. E.D. Pa.) Plan confirmed by the bankruptcy court on November 30, 1989.

Chart 3 (Continued)

Company	Case No. & Court	Plan Status	Published Decisions
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. Third amended plan filed January 29, 2009.	<i>In re Pittsburgh Corning Corp.</i> , 260 Fed. Appx. 463 (3d Cir. 2008); <i>Mt. McKinley Ins. Co. v. Corning, Inc.</i> , 399 F.3d 436 (2d Cir. 2005); <i>In re Pittsburgh Corning Corp.</i> , 453 B.R. 570 (Bankr. W.D. Pa. 2011); <i>In re Pittsburgh Corning Corp.</i> , 417 B.R. 289 (Bankr. W.D. Pa. 2006); <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); <i>In re Pittsburgh Corning Corp.</i> , 277 B.R. 74 (Bankr. W.D. Pa. 2002), <i>aff'd</i> , 260 Fed. Appx. 463 (3d Cir. 2008); <i>In re Pittsburgh Corning Corp.</i> , 255 B.R. 162 (Bankr. W.D. Pa. 2000); <i>In re ACandS, Inc.</i> , 2011 WL 4801527, ___ B.R. ___ (Bankr. D. Del. Oct. 7, 2011) (also entered in the <i>Armstrong, Combustion Engineering, Flintkote, Kaiser Aluminum, Owens Corning, U.S. Mineral Products, USG, W.R. Grace, Pittsburgh Corning, NARCO</i> , and <i>Mid-Valley</i> bankruptcy cases). See also <i>Mt. McKinley Ins. Co. v. Corning, Inc.</i> , 918 N.Y.S.2d 22 (N.Y. App. Div. 2011).
Plant Insulation Company	No. 09-31347 (Bankr. N.D. Cal.)	Petition filed May 20, 2009. Debtor, official committee of unsecured creditors, and FCR filed a joint plan of reorganization on June 14, 2010, a first amended plan on December 15, 2010, and a second amended plan on May 2, 2011. The second amended plan has itself been amended four times, most recently on January 10, 2012. The confirmation hearing took place from December 5-14, 2011. Closing arguments took place on January 12, 2012.	<i>In re Plant Insulation Co.</i> , 414 B.R. 646 (Bankr. N.D. Cal. 2009).
Pilbrico Co.	No. 02 B 0952 (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, 2006.	<i>National Union Fire Ins. Co. v. Porter Hayden Co.</i> , 408 B.R. 66 (D. Md. 2009); <i>National Union Fire Ins. Co. v. Porter Hayden Co.</i> , 331 B.R. 652 (D. Md. 2005); <i>Porter-Hayden Co. v. First State Mgt. Group, Inc.</i> (<i>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>Asbestos Claimants v. American Steamship Owners Mut. Protection & Indem. Ass'n</i> (<i>In re Prudential Lines</i>), 533 F.3d 151 (2d Cir. June 19, 2008); <i>Dicola v. American S.S. Owners Mut. Protection & Indem. Ass'n</i> (<i>In re Prudential Lines, Inc.</i>), 158 F.3d 65 (2d Cir. 1998); <i>Dicola v. American S.S.</i>

Owners Mut. Protection & Indem. Ass'n (In re Prudential Lines, Inc.), 170 B.R. 222 (S.D.N.Y. 1994); *In re Prudential Lines, Inc.*, 202 B.R. 13 (Bankr. S.D.N.Y. 1996); *In re Prudential Lines, Inc.*, 148 B.R. 730 (Bankr. S.D.N.Y. 1992).

Pulmosan Safety Equipment Corp. No. 10-16098 (Bankr. S.D.N.Y.) Voluntary Chapter 7 petition filed November 15, 2010.

Quigley Co. No. 04-15739-SMB (Bankr. S.D.N.Y.) Fourth amended and restated plan modified on August 6, 2009. The confirmation hearing, which consumed 15 days of trial, began September 23, 2009. On September 8, 2010, the bankruptcy court issued findings of fact and conclusions of law denying confirmation and ordered the parties "to schedule a conference to discuss the dismissal or other disposition of this case." On September 21, 2010, the bankruptcy court issued its order denying confirmation.

In re Quigley Co., 449 B.R. 196 (S.D.N.Y. 2011); *In re Ad Hoc Comm. Of Tort Victims (In re Quigley Co.)*, 327 B.R. 138 (S.D.N.Y. 2005); *Quigley Co. v. Coleman (In re Quigley Co.)*, 323 B.R. 70 (S.D.N.Y. 2005); *In re Quigley Co.*, 437 B.R. 102 (Bankr. S.D.N.Y. 2010); *In re Quigley Co.*, 391 B.R. 695 (Bankr. S.D.N.Y. 2008); *In re Quigley Co.*, 383 B.R. 19 (Bankr. S.D.N.Y. 2008); *In re Quigley Co.*, 377 B.R. 110 (Bankr. S.D.N.Y. 2007); *Continental Cas. Co. v. Pfizer, Inc. (In re Quigley Co.)*, 361 B.R. 723 (Bankr. S.D.N.Y. 2007); *Quigley Co. v. Coleman (In re Quigley Co.)*, 361 B.R. 670 (Bankr. S.D.N.Y. 2007); *In re Quigley Co.*, 346 B.R. 647 (Bankr. S.D.N.Y. 2006). See also *I.U. North America Inc. v. A.I.U. Ins. Co.*, 896 A.2d 880 (Del. Super. 2006).

A fifth amended plan was filed April 6, 2011, following debtor's agreement on a plan with the members of Ad Hoc Committee that had objected to the previous plans. A disclosure statement hearing regarding the new plan was scheduled for August 4, 2011, but has been taken off calendar pending issuance by the Second Circuit of a decision in the appeal of the district court's May 17, 2011 ruling (reported at 449 B.R. 196).

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.

Chart 3 (Continued)

Company	Case No. & Court	Plan Status	Published Decisions
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 November 8, 2002.	<i>See Shook & Fletcher Asbestos Settlement Trust v. Safety National Cas. Co.</i> , 909 A.2d 125 (Del. 2006).
Skinner Engine Co.	No. 01-23987-MBM (Bankr. W.D. Pa.)	On May 27, 2009, the bankruptcy court issued an order converting this case from Chapter 11 to Chapter 7 on the ground, <i>inter alia</i> , that debtor's fifth plan of liquidation is unconfirmable and that debtor and its co-proponents have been, and are, unable to effectuate a confirmable plan. On May 29, 2010, the district court issued an order affirming the bankruptcy court's order converting the case to Chapter 7 (Case No. 09-0886). The Third Circuit heard argument on October 26, 2011 on the appeals of the conversion order by debtor and certain claimants (Case No. 10-2239).	<i>In re American Capital Equipment, LLC</i> , 296 Fed. Appx. 270 (3d Cir. 2008); <i>In re American Capital Equipment, LLC</i> , 325 B.R. 372 (W.D. Pa. 2005); <i>In re American Capital Equipment, LLC</i> , 405 B.R. 415 (W.D. Pa. 2009), <i>aff'd</i> , 2010 WL 1337222 (W.D. Pa. Mar. 29, 2010); <i>In re American Capital Equipment, LLC</i> , 324 B.R. 570 (W.D. Pa. 2005).
Special Electric Co.	No. 04-25471-11-MDM (E.D. Wis.)	Chapter 11 plan of reorganization confirmed December 21, 2006.	
Special Metals Corp.	Nos. 02-10335 to 02-10338 (Bankr. E.D. Ky.)	Chapter 11 plan of reorganization confirmed by the bankruptcy court on September 29, 2003; confirmation order affirmed by the district court on March 12, 2004.	<i>Century Indem. Co. v. Special Metals Corp.</i> (In re Special Metals Corp.), 360 B.R. 244 (E.D. Ky. 2006); <i>Century Indem. Co. v. Special Metals Corp.</i> (In re Special Metals Corp.), 317 B.R. 326 (Bankr. E.D. Ky. 2004).
Specialty Products Holding Corp. and Bondex International, Inc.	No. 10-11780-JKF (Bankr. D. Del.)	Voluntary petitions filed May 31, 2010.	
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).

State Insulation Corp.	No. 11-15110-MBK (D.N.J.)	Petition filed February 23, 2011. On February 10, 2012, the bankruptcy court recommended that the district court enter an order confirming the second amended plan.	
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.	
T H Agriculture & Nutrition, LLC	No. 08-14692-reg (Bankr. S.D.N.Y.)	Petition and prepackaged Chapter 11 plan filed November 24, 2008. First Amended Plan confirmed by the bankruptcy court on May 28, 2009 and affirmed by the district court on October 26, 2009.	
Thorpe Insulation Co.	No. 07-19271-BB (Bankr. C.D. Cal.)	Petition filed October 15, 2007. Jointly administered with the bankruptcy case of Pacific Insulation Co., which filed a Chapter 11 petition on October 31, 2007. Fifth amended plan of reorganization confirmed by the bankruptcy court on February 1, 2010 and by the district court on September 21, 2010. Stay pending appeal denied by the district court on October 20, 2010, by the Ninth Circuit on October 21, 2010, and by Justice Kennedy, as circuit justice, on October 22, 2010. Plan went effective October 22, 2010. On January 24, 2012, the Ninth Circuit reversed confirmation and remanded for a new confirmation hearing in bankruptcy court.	<i>Continental Ins. Co. v. Thorpe Insulation Co. (In re Thorpe Insulation Co.)</i> , ___ F.3d ___, 2012 WL 255231 (9th Cir. Jan. 30, 2012); <i>Motor Vehicle Cas. Co. v. Thorpe Insulation Co. (In re Thorpe Insulation Co.)</i> , ___ F.3d ___, 2012 WL 178998 (9th Cir. Jan. 24, 2012); <i>National Fire Ins. Co. of Hartford v. Thorpe Insulation Co. (In re Thorpe Insulation Co.)</i> , 393 Fed. Appx. 467 (9th Cir. 2010); <i>Motor Vehicle Cas. Co. v. Thorpe Insulation Co. (In re Thorpe Insulation Co.)</i> , 392 Fed. Appx. 549 (9th Cir. 2010). See <i>Employers Reins. Co. v. Superior Ct. (Thorpe Insulation Co.)</i> , 161 Cal. App.4th 906, 74 Cal. Rptr.3d 733 (2008).
Triple A Machine Shop, Inc.	No. 10-49354 (Bankr. N.D. Cal.)	Voluntary Chapter 7 petition filed August 16, 2010.	
United Gilsonite Laboratories	No. 5:11-bk-02032 (Bankr. M.D. Pa.)	Petition filed March 23, 2011.	
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>Asbestos Claimants v. U.S. Lines Reorganization Trust (In re United States Lines)</i> , 318 F.3d 432 (2d Cir. 2003), aff'g <i>U.S. Lines, Inc. v. U.S. Lines Reorganization Trust</i> , 262 B.R. 223 (S.D.N.Y. 2001); <i>Maritime Asbestos Legal Clinic v. United States Lines, Inc. (In re United States Lines)</i> , 216 F.3d 228 (2d Cir. 2000); <i>In re United States Lines</i> , 197 F.3d 631 (2d Cir. 1999), rev'g <i>United States Lines, Inc. v. American S.S. Owners Mut. Protection & Indem. Ass'n</i> , 220 B.R. 5 (S.D.N.Y. 1997), rev'g <i>United States Lines, Inc. v. American S.S. Owners Mut. Protection & Indem. Ass'n</i> , 169 B.R. 804

Chart 3 (Continued)

Company	Case No. & Court	Plan Status	Published Decisions
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, 2005.	(Bankr. S.D.N.Y. 1994); <i>U.S. Lines, Inc. v. U.S. Lines Reorganization Trust</i> , 262 B.R. 223 (S.D.N.Y. 2001), <i>aff'd</i> , 318 F.3d 432 (2d Cir. 2003). <i>In re ACandS, Inc.</i> , 2011 WL 4801527, ___ B.R. ___ (Bankr. D. Del. Oct. 7, 2011) (also entered in the <i>Armstrong, Combustion Engineering, Flinikote, Kaiser Aluminum, Owens Corning, U.S. Mineral Products, USG, W.R. Grace, Pittsburgh Corning, NARCO</i> , and <i>Mid-Valley</i> bankruptcy cases).
UNR Industries, Inc.	Nos. 82 B 9841-9845, 82 B 9847, 82 B 9849 (Bankr. N.D. Ill.)	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 Indus., Inc.</i> , 224 B.R. 664 (Bankr. N.D. Ill. 1998); <i>In re UNR Indus., Inc.</i> , 212 B.R. 295 (Bankr. N.D. Ill. 1997); <i>UNR Indus., Inc. v. Blooming-ton Factory Workers</i> , 173 B.R. 149 (N.D. Ill. 1994); <i>In re UNR Indus., Inc.</i> , 143 B.R. 506 (Bankr. N.D. Ill. 1992), <i>rev'd</i> , 173 B.R. 149 (N.D. Ill. 1994); <i>UNARCO Bloomington Factory Workers v. UNR Indus., Inc.</i> , 124 B.R. 268 (N.D. Ill. 1990); <i>UNR Indus., 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 Indus., Inc.</i> , 72 B.R. 796 (Bankr. N.D. Ill. 1987); <i>In re UNR Indus., Inc.</i> , 72 B.R. 789 (Bankr. N.D. Ill. 1987); <i>In re UNR Indus., Inc.</i> , 71 B.R. 467 (Bankr. N.D. Ill. 1987); <i>In re UNR Indus., Inc.</i> , 54 B.R. 270 (Bankr. N.D. Ill. 1985); <i>In re UNR Indus., Inc.</i> , 54 B.R. 266 (Bankr. N.D. Ill. 1985); <i>In re UNR Indus., Inc.</i> , 54 B.R. 263 (Bankr. N.D. Ill. 1985); <i>In re UNR Indus., Inc.</i> , 46 B.R. 671 (Bankr. N.D. Ill. 1985); <i>In re UNR Indus., Inc.</i> , 46 B.R. 25 (Bankr. N.D. Ill. 1984); <i>In re UNR Indus., Inc.</i> , 42 B.R. 99 (Bankr. N.D. Ill. 1984); <i>In re UNR Indus., Inc.</i> , 42 B.R. 94 (Bankr. N.D. Ill. 1984); <i>In re UNR Indus., Inc.</i> , 39 B.R. 190 (Bankr. N.D. Ill. 1984); <i>In re UNR Indus., Inc.</i> , 30 B.R. 609 (Bankr. N.D. Ill. 1983); <i>In re UNR Indus., Inc.</i> , 30 B.R. 613 (Bankr. N.D. Ill. 1983); <i>In re UNR Indus., Inc.</i> , 29 B.R. 741 (N.D. Ill. 1983); <i>In re UNR Indus., Inc.</i> , 23 B.R. 144 (Bankr. N.D. Ill. 1982). <i>See also Rohm Indus., Inc. v. Platinum Equity LLC</i> , 887 A.2d 983 (Del. Super. 2005).
USG Corp.	No. 01-2094 (Bankr. D. Del.)	Plan confirmed by both the bankruptcy court and the district court on June 15, 2006.	<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</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, Federal-Mogul, Owens Corning</i> , and <i>W.R. Grace</i> bankruptcies); <i>In re ACandS, Inc.</i> , 2011 WL 4801527, ___ B.R. ___ (Bankr. D. Del. Oct. 7,

2011) (also entered in the *Armstrong, Combustion Engineering, Flintkote, Kaiser Aluminum, Owens Corning, U.S. Mineral Products, USG, W.R. Grace, Pittsburgh Corning, MARCO*, and *Mid-Valley* bankruptcy cases); *In re USG Corp.*, 290 B.R. 223 (Bankr. D. Del. 2003).

Urex 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>affg. Aetna Cas. & Sur. Co. v. Wallace & Gale Co. (In re Wallace & Gale Co.)</i> , 284 B.R. 557 (D. Md. 2002), <i>reconsidering Aetna Cas. & Sur. Co. v. Wallace & Gale Co. (In re Wallace & Gale Co.)</i> , 275 B.R. 223 (D. Md. 2002); <i>Legal Representative for Future Claimants v. Aetna Cas. & Sur. Co. (In re Wallace & Gale Co.)</i> , 72 F.3d 21 (4th Cir. 1995); <i>Aetna Cas. & Sur. Co. v. Wallace & Gale Co. (In re Wallace & Gale Co.)</i> , 284 B.R. 560 (D. Md. 2002). See also <i>Scapa Dryer Fabrics, Inc. v. Saville</i> , 988 A.2d 1059 (Md. App. 2010).
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>Renfrew v. Hartford Acc. & Indem. Co. (In re Western Asbestos Co.)</i> , 406 Fed. Appx. 227 (9th Cir. 2010); <i>Renfrew v. Hartford Acc. & Indem. Co. (In re Western Asbestos Co.)</i> , 416 B.R. 670 (N.D. Cal. 2009), <i>affid.</i> , 406 Fed. Appx. 227 (9th Cir. 2010); <i>In re Western Asbestos Co.</i> , 313 B.R. 859 (N.D. Cal. 2004); <i>In re Western Asbestos Co.</i> , 318 B.R. 527 (Bankr. 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). See also <i>United States Fidelity & Guar. Co. v. American Re-Insurance Co.</i> , — N.Y.S.2d ___, 2012 WL 178229 (N.Y. App. Div. Jan. 24, 2012); <i>Volkswagen of America, Inc. v. Superior Court</i> , 139 Cal. App.4th 1481 (2006).
W.R. Grace Co.	Nos. 01-1139, 01-1140 (Bankr. D. Del.)	On January 31, 2011, the bankruptcy court issued findings of fact, conclusions of law, a memorandum opinion, and a recommendation that the district court confirm the plan and issue the various injunctions called for by the plan. On February 15, 2011, the bankruptcy court issued an order clarifying its January 31 order, findings, and conclusions. On March 4, the bankruptcy court issued an order that granted in part	<i>W.R. Grace & Co. v. Chakarian (In re W.R. Grace & Co.)</i> , 591 F.3d 164 (3d Cir. 2009); <i>In re W.R. Grace & Co.</i> , 316 Fed. Appx. 134 (3d Cir. 2009); <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</i> , and <i>USG Corp.</i> bankruptcies); <i>Gerard v. W.R. Grace & Co. (In re W.R. Grace & Co.)</i> , 115 Fed. Appx. 565 (3d Cir. 2004); <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</i> , and <i>USG Corp.</i> bankruptcies); <i>In re W.R. Grace & Co.</i> , — B.R. ___, 2012 WL

Chart 3 (Continued)

Company	Case No. & Court	Plan Status	Published Decisions
and denied in part a motion for reconsideration of the January 31 order and opinion.			310815 (D. Del. Jan. 30, 2012); <i>State of California Dep't of Gen'l Svcs. v. W.R. Grace & Co.</i> (In re <i>W.R. Grace & Co.</i>), 418 B.R. 511 (D. Del. 2009); <i>State of New Jersey v. W.R. Grace & Co.</i> (In re <i>W.R. Grace & Co.</i>), 412 B.R. 657 (D. Del. 2009); <i>In re W.R. Grace & Co.</i> , 398 B.R. 368 (D. Del. 2008); <i>In re ACandS, Inc.</i> , 2011 WL 4801527, ___ B.R. ___ (Bankr. D. Del. Oct. 7, 2011) (also entered in the <i>Armstrong, Combustion Engineering, Flintkote, Kaiser Aluminum, Owens Corning, U.S. Mineral Products, USG, W.R. Grace, Pittsburgh Corning, MARCO</i> , and <i>Mid-Valley</i> bankruptcy cases); <i>In re W.R. Grace & Co.</i> , 446 B.R. 96 (Bankr. D. Del. 2011), <i>aff'd</i> , ___ B.R. ___, 2012 WL 310815 (D. Del. Jan. 30, 2012); <i>In re W.R. Grace & Co.</i> , 403 B.R. 317 (Bankr. D. Del. 2009); <i>In re W.R. Grace & Co.</i> , 397 B.R. 701 (Bankr. D. Del. 2008), <i>rev'd</i> , <i>State of California Dep't of Gen'l Svcs. v. W.R. Grace & Co.</i> (In re <i>W.R. Grace & Co.</i>), 418 B.R. 511 (D. Del. 2009); <i>In re W.R. Grace & Co.</i> , 389 B.R. 373 (Bankr. D. Del. 2008); <i>W.R. Grace & Co. v. Chakarian</i> (In re <i>W.R. Grace & Co.</i>), 386 B.R. 17 (Bankr. D. Del. 2008); <i>W.R. Grace & Co. v. Campbell</i> (In re <i>W.R. Grace & Co.</i>), 384 B.R. 678 (Bankr. D. Del. 2008), <i>aff'd sub nom. State of New Jersey v. W.R. Grace & Co.</i> (In re <i>W.R. Grace & Co.</i>), 412 B.R. 657 (D. Del. 2009); <i>W.R. Grace & Co. v. Chakarian</i> (In re <i>W.R. Grace & Co.</i>), 384 B.R. 670 (Bankr. D. Del. 2008); <i>In re W.R. Grace & Co.</i> , 366 B.R. 302 (Bankr. D. Del. 2007), <i>aff'd</i> , 316 Fed. Appx. 134 (3d Cir. 2009); <i>W.R. Grace & Co. v. Chakarian</i> (In re <i>W.R. Grace & Co.</i>), 366 B.R. 295 (Bankr. D. Del. 2007), <i>aff'd</i> , 2008 WL 3522453 (D. Del. Aug. 12, 2008), <i>aff'd</i> , 591 F.3d 164 (3d Cir. 2009); <i>In re W.R. Grace & Co.</i> , 355 B.R. 462 (Bankr. D. Del. 2006); <i>In re W.R. Grace & Co.</i> , 346 B.R. 672 (Bankr. D. Del. 2006); <i>W.R. Grace & Co. v. Chakarian</i> (In re <i>W.R. Grace & Co.</i>), 315 B.R. 353 (Bankr. D. Del. 2004); <i>Official Comm. Of Asbestos Personal Injury Claimants v. Sealed Air Corp.</i> (In re <i>W.R. Grace & Co.</i>), 281 B.R. 852 (Bankr. D. Del. 2002). <i>See also</i> <i>W.R. Grace & Co.-Conn. v. Zotos Int'l, Inc.</i> , 559 F.3d 85 (2d Cir. 2009); <i>U.S. v. W.R. Grace</i> , 526 F.3d 499 (9th Cir. 2008); <i>U.S. v. W.R. Grace</i> , 455 F. Supp.2d 1113 (D. Mont. 2006), <i>rev'd</i> , 504 F.3d 745, 755 (9th Cir. 2007); <i>U.S. v. W.R. Grace</i> , 280 F. Supp.2d 1149 (D. Mont. 2003), <i>aff'd</i> , 429 F.3d 1224 (9th Cir. 2005), <i>cert. denied</i> , 127 S. Ct. 379 (2006); <i>TIG Ins. Co. v. Smolker</i> , 264 B.R. 661 (Bankr. C.D. Cal. 2001).

Endnotes

1. See Plevin, *et al.*, *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 (Aug. 2001); Plevin, *et al.*, *Where Are They Now?, Part Two: A Continuing History Of The Companies That Have Sought Bankruptcy Protection Due To Asbestos Claims*, Mealey's Litigation Report: Asbestos, Vol. 17, No. 20 (Nov. 2002); Plevin, *et al.*, *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); Plevin, *et al.*, *Where Are They Now?, Part Four: A Continuing History Of The Companies That Have Sought Bankruptcy Protection Due To Asbestos Claims*, Mealey's Asbestos Bankruptcy Report, Vol. 6, No. 7 (Feb. 2007); Plevin, *et al.*, *Where Are They Now?, Part Five: An Update on Developments In Asbestos-Related Bankruptcy Cases*, Mealey's Asbestos Bankruptcy Report, Vol. 8, No. 8 (March 2009).
2. Corrections are welcome. Please send any corrections or comments to mplevin@crowell.com or ldavis@crowell.com.
3. See Second Amended Disclosure Statement for the Chapter 11 Plan of Reorganization of Plant Insulation Company, Dkt. No. 1157, In re Plant Insulation Co., No. 09-31347 (Bankr. N.D. Cal. May 2, 2011), p. 6.
4. See *id.* at p. 7.
5. See *id.* at p. 9.
6. *Id.*; Second Amended Plan of Reorganization of Plant Insulation Company, Dkt. No. 1155, In re Plant Insulation Co., No. 09-31347 (Bankr. N.D. Cal. May 2, 2011).

Regardless of the official name of the committee representing the interests of asbestos claimants in a particular case, which name varies from case to case, in this article we will refer to such committees by the generic abbreviation "ACC," for "asbestos claimants' committee." "FCR" refers to the future claimants' representative in each case.
7. *Id.*, § 5.6.2 and Plan Exh. E at 1.
8. Second Amended Disclosure Statement for the Chapter 11 Plan of Reorganization of Plant Insulation Company, Dkt. No. 1157, In re Plant Insulation Co., No. 09-31347 (Bankr. N.D. Cal. May 2, 2011), p. 38.
9. *Id.* at 37-38.
10. See Certain Insurers' Motion for Summary Judgment (Contribution Issues), Dkt. No. 1216, In re Plant Insulation Co., No. 09-31347 (Bankr. N.D. Cal. June 14, 2011).
11. See Order re Scope of Confirmation Hearing, Dkt. No. 1368, In re Plant Insulation Co., No. 09-31347 (Bankr. N.D. Cal. Aug. 10, 2011).
12. See First Amendment to Second Amended Plan of Reorganization of Plant Insulation Company, Dkt. No. 1391, In re Plant Insulation Co., No. 09-31347 (Bankr. N.D. Cal. Aug. 17, 2011).
13. See Certain Insurers' Motion for Summary Judgment that the Second Amended Plan, as Amended, is not Confirmable, Dkt. No. 1434, In re Plant Insulation Co., No. 09-31347 (Bankr. N.D. Cal. Sept. 8, 2011).
14. See Transcript of October 11, 2011 Hearing at 6:8-12:14, In re Plant Insulation Co., No. 09-31347 (Bankr. N.D. Cal. Oct. 11, 2011).
15. See Third Amendment to Second Amended Plan of Reorganization of Plant Insulation Company, Dkt. No. 1519, In re Plant Insulation Co., No. 09-31347 (Bankr. N.D. Cal. Oct. 18, 2011); Order re Mootness of Certain Insurers' Motion for Summary Judgment that the Plan, as Amended, is not Confirmable, Dkt. No. 1616, In re Plant Insulation Co., No. 09-31347 (Bankr. N.D. Cal. Nov. 4, 2011).
16. See Order re Mootness of Certain Insurers' Motion for Summary Judgment that the Plan, as Amended, is not Confirmable at 2:14-15, Dkt. No. 1616, In re Plant Insulation Co., No. 09-31347 (Bankr. N.D. Cal. Nov. 4, 2011); Transcript of October 19, 2011 Hearing at 11:24-12:1, In re Plant Insulation Co., No. 09-31347 (Bankr. N.D. Cal. Oct. 19, 2011).

17. *See* Certain Insurers' Objections to the Second Amended Plan of Reorganization of Plant Insulation Company, as Amended, Dkt. No. 1397, In re Plant Insulation Co., No. 09-31347 (Bankr. N.D. Cal. Aug. 19, 2011); Insurers' Brief in Support of Objections to the Second Amended Plan of Reorganization of Plant Insulation Company. Dkt. No. 1742, In re Plant Insulation Co., No. 09-31347 (Bankr. N.D. Cal. Nov. 22, 2011).
18. *See* Voluntary Petition, Dkt. No. 1, In re Motors Liquidation Co., No. 09-50026 (REG) (Bankr. S.D.N.Y. June 1, 2009).
19. *See* Disclosure Statement for Debtors' Amended Joint Chapter 11 Plan, Dkt. No. 8023, In re Motors Liquidation Co., No. 09-50026 (REG) (Bankr. S.D.N.Y. Dec. 8, 2010), pp. 14-17.
20. *Id.* at 19.
21. *See* Stipulation and Order Fixing Asbestos Trust Claim and Resolving Debtors' Estimation Motion, Dkt. No. 9216, In re Motors Liquidation Co., No. 09-50026 (REG) (Bankr. S.D.N.Y. Feb. 14, 2011).
22. *See* Motion of the Ad Hoc Committee of Asbestos Personal Injury Claimants for an Order (I) Appointing a Legal Representative for Future Asbestos Personal Injury Claimants and (II) Directing the United States Trustee to Appoint an Official Committee of Asbestos Personal Injury Claimants, Dkt. No. 478, In re Motors Liquidation Co., No. 09-50026 (REG) (Bankr. S.D.N.Y. June 7, 2009).
23. *See* Order Pursuant to Sections 105 and 1109 of the Bankruptcy Code Appointing Dean M. Traftlet as Legal Representative for Future Asbestos Personal Injury Claims, Dkt. No. 5459, In re Motors Liquidation Co., No. 09-50026 (REG) (Bankr. S.D.N.Y. Apr. 8, 2010).
24. *See* Appointment of Committee of Unsecured Creditors Holding Asbestos Related Claims, Dkt. No. 5206, In re Motors Liquidation Co., No. 09-50026 (REG) (Bankr. S.D.N.Y. Mar. 5, 2010).
25. *See* Debtors' Joint Chapter 11 Plan, Dkt. No. 6829, In re Motors Liquidation Co., No. 09-50026 (REG) (Bankr. S.D.N.Y. Aug. 31, 2010).
26. *See* Objection of the Legal Representative for Future Asbestos Claimants to the Disclosure Statement for Debtors' Joint Chapter 11 Plan, Dkt. No. 7326, In re Motors Liquidation Co., No. 09-50026 (REG) (Bankr. S.D.N.Y. Oct. 14, 2010).
27. *See* Debtors' Amended Joint Chapter 11 Plan, Dkt. No. 815, In re Motors Liquidation Co., No. 09-50026 (REG) (Bankr. S.D.N.Y. Dec. 7, 2010); Disclosure Statement for Debtors' Amended Joint Chapter 11 Plan, Dkt. No. 8023, In re Motors Liquidation Co., No. 09-50026 (REG) (Bankr. S.D.N.Y. Dec. 8, 2010).
28. *See* Stipulation and Order Fixing Asbestos Trust Claim and Resolving Debtors' Estimation Motion, Dkt. No. 9216, In re Motors Liquidation Co., No. 09-50026 (REG) (Bankr. S.D.N.Y. Feb. 14, 2011).
29. *Id.*
30. *Id.*
31. *See* Debtor's List of Creditors Holding 20 Largest Unsecured Claims (as of December 15, 2009), Dkt. No. 1, In re Durabla Mfg. Co., No. 09-14415-MFW (Bankr. D. Del. Dec. 15, 2009).
32. *See* Complaint for Declaratory Judgment, Dkt. No. 1, Durabla Canada, Ltd. v. Durabla Mfg. Co., No. 10-50005-MFW (Bankr. D. Del. Jan. 7, 2010).
33. *See* Order Pursuant to Federal Rule of Bankruptcy Procedure 1015(b) and 105(a) Directing Joint Administration, Dkt. No. 284, In re Durabla Mfg. Co., No. 09-14415-MFW (Bankr. D. Del. Nov. 12, 2010).
34. *See* Motion of the Shein Plaintiffs to Dismiss Bad Faith Filings of Durabla Manufacturing Co. pursuant to 11 U.S.C. § 1125(b), Dkt. No. 136, In re Durabla Mfg. Co., No. 09-14415-MFW (Bankr. D. Del. May 18, 2010).
35. *See* Debtor's Opposition to Motion of the Shein Plaintiffs to Dismiss Case, Dkt. No. 155, In re Durabla Mfg. Co., No. 09-14415-MFW (Bankr. D. Del. June 9, 2010).
36. *See* Order Denying Motion to Dismiss Debtor's Chapter 11 Case, Dkt. No. 250, In re Durabla

- Mfg. Co., No. 09-14415-MFW (Bankr. D. Del. Oct. 6, 2010).
37. *See* Motion of the Shein Plaintiffs Under Fed. R. Bankr. P. 9023 and 9024 for Reconsideration of the Order Denying their Motion to Dismiss the Bad Faith Chapter 11 Filing of Durabla Manufacturing Co., Dkt. No. 262, In re Durabla Mfg. Co., No. 09-14415-MFW (Bankr. D. Del. Oct. 20, 2010).
38. Second Amended Plan of Reorganization for Durabla Manufacturing Company and Durabla Canada, Ltd., Dkt. No. 609, In re Durabla Mfg. Co., No. 09-14415-MFW (Bankr. D. Del. Sept. 21, 2011); Second Amended Disclosure Statement, Dkt. No. 610, In re Durabla Mfg. Co., No. 09-14415-MFW (Bankr. D. Del. Sept. 21, 2011).
39. Debtors' Motion for an Order: (I) Conditionally Approving Supplement to Second Amended Disclosure Statement, (II) Approving the Form Permitting Creditors to Change Their Votes on the Proposed Modified Plan, (III) Fixing the Time for Creditors to Change Their Votes on the Proposed Modified Plan, (IV) Fixing the Time for Creditors to File Objections to Final Approval of the Supplement and to the Confirmation of the Proposed Modified Plan, and (V) Continuing the Confirmation Hearing to a New Date, Dkt. No. 672, In re Durabla Mfg. Co., No. 09-14415-MFW (Bankr. D. Del. Nov. 14, 2011), p. 5.
40. *See* Motion of the Debtors for an Order Directing the Joint Administration of Their Chapter 11 Cases, Dkt. No. 3, In re Specialty Prods. Holding Corp., No. 10-11780-JKF (Bankr. D. Del. May 31, 2010).
41. *See* Order Directing the Joint Administration of Debtors' Chapter 11 Cases, Dkt. No. 31, In re Specialty Prods. Holding Corp., No. 10-11780-JKF (Bankr. D. Del. June 2, 2010).
42. *See* Complaint of the Debtors Specialty Products Holding Corp. and Bondex International, Inc. for Injunctive and Declaratory Relief Extending and Applying the Automatic Stay to Certain Non-Debtor Affiliates, Dkt. No. 9, In re Specialty Prods. Holding Corp., No. 10-11780-JKF (Bankr. D. Del. May 31, 2010).
43. *See* Order Granting in Part and Denying in Part Debtors' Motion for an Order Directing Submission of Information by Current Asbestos Claimants, Dkt. No. 1466, In re Specialty Prods. Holding Corp., No. 10-11780-JKF (Bankr. D. Del. July 20, 2011).
44. *Id.* at Exhibit A.
45. *See* Modified Case Management Order for Estimation of Debtors' Asbestos Personal Injury Liability, Dkt. No. 1793, In re Specialty Prods. Holding Corp., No. 10-11780-JKF (Bankr. D. Del. Nov. 2, 2011), ¶ 13.
46. *See* Motion of the Official Committee of Asbestos Personal Injury Claimants and the Future Claimants' Representative for Entry of an Order Granting Leave, Standing and Authority to Prosecute Claims on Behalf of the Debtors' Estates, Dkt. No. 1799, In re Specialty Prods. Holding Corp., No. 10-11780-JKF (Bankr. D. Del. Nov. 14, 2011).
47. *Id.* at ¶ 17.
48. *Id.* at ¶ 22.
49. RPM International Inc.'s Opposition to Motion of the Official Committee of Asbestos Personal Injury Claimants and the Future Claimants' Representative for Entry of an Order Granting Leave, Standing and Authority to Prosecute Claims on Behalf of the Debtors' Estates, Dkt. No. 1880, In re Specialty Prods. Holding Corp., No. 10-11780-JKF (Bankr. D. Del. Dec. 5, 2011); Debtors' Objection to Motion of the Official Committee of Asbestos Personal Injury Claimants and the Future Claimants' Representative for Entry of an Order Granting Leave, Standing and Authority to Prosecute Claims on Behalf of the Debtors' Estates, Dkt. No. 1881, In re Specialty Prods. Holding Corp., No. 10-11780-JKF (Bankr. D. Del. Dec. 5, 2011).
50. Disclosure Statement for Debtors' Joint Plan of Reorganization, Dkt. No. 1666, In re Garlock Sealing Technologies LLC, No. 10-31607 (Bankr. W.D.N.C. Nov. 28, 2011), §§ 2.1, 2.2.
51. *See* Voluntary Petition of Garlock Sealing Technologies LLC, Dkt. No. 1, In re Garlock Sealing

- Technologies LLC, No. 10-31607 (Bankr. W.D.N.C. June 5, 2010).
52. *See* Affidavit of Donald G. Pomeroy, II in Support of First Day Relief, Dkt. No. 3, In re Garlock Sealing Technologies LLC, No. 10-31607 (Bankr. W.D.N.C. June 5, 2010).
53. *See* Debtors' Motion for (A) Establishment of Asbestos Claims Bar Date, (B) Approval of Asbestos Proof of Claim Form, (C) Approval of Form and Manner of Notice, (D) Estimation of Asbestos Claims, and (E) Approval of Initial Case Management Schedule, Dkt. No. 461, In re Garlock Sealing Technologies LLC, No. 10-31607 (Bankr. W.D.N.C. August 31, 2010).
54. *Id.* at ¶ 23.
55. *Id.* at ¶ 29.
56. *See* Memorandum of the Official Committee of Asbestos Personal Injury Claimants: (1) In Opposition to the Debtors' Motion for (A) Establishment of Asbestos Claims Bar Date, (B) Approval of Asbestos Proof of Claim Form, (C) Approval of Form and Manner of Notice, (D) Estimation of Asbestos Claims, and (E) Approval of Initial Case Management Schedule; and (2) In Further Support of Its Motion for Entry of a Scheduling Order for Plan Formulation Purposes, Dkt. No. 548, In re Garlock Sealing Technologies LLC, No. 10-31607 (Bankr. W.D.N.C. Sept. 24, 2010).
57. *See* Order on Motion of the Official Committee of Asbestos Personal Injury Claimants for Entry of Scheduling Order and Debtors' Motion for Establishment of Asbestos Claims Bar Date, Etc., Dkt. No. 853, In re Garlock Sealing Technologies LLC, No. 10-31607 (Bankr. W.D.N.C. Dec. 9, 2010).
58. *See* Renewal of and Second Amendment to Debtors' Motion for (A) Establishment of Asbestos Claims Bar Date, (B) Approval of Asbestos Proof of Claim Form, (C) Approval of Form and Manner of Notice, (D) Estimation of Asbestos Claims, and (E) Approval of Initial Case Management Schedule, Dkt. No. 1310, In re Garlock Sealing Technologies LLC, No. 10-31607 (Bankr. W.D.N.C. May 3, 2011).
59. *See* Order Denying the Second Amendment to Debtors' Motion for (A) Establishment of Asbestos Claims Bar Date, (B) Approval of Asbestos Proof of Claim Form, (C) Approval of Form and Manner of Notice, (D) Estimation of Asbestos Claims, and (E) Approval of Initial Case Management Schedule, Dkt. No. 1348, In re Garlock Sealing Technologies LLC, No. 10-31607 (Bankr. W.D.N.C. May 19, 2011).
60. *See* Order Authorizing the Debtors to Issue Questionnaire to Holders of Pending Mesothelioma Claims and Governing the Confidentiality of Information Provided in Responses, Dkt. No. 1390, In re Garlock Sealing Technologies LLC, No. 10-31607 (Bankr. W.D.N.C. June 21, 2011).
61. *See* Debtors' Motion for Estimation of Asbestos Claims under § 502(c) and for Entry of Case Management Order for Estimation of Mesothelioma Claims, Dkt. No. 1683, In re Garlock Sealing Technologies LLC, No. 10-31607 (Bankr. W.D.N.C. Dec. 2, 2011).
62. *See* Motion for Questionnaire Claimant Bar Date, Dkt. No. 1684, In re Garlock Sealing Technologies LLC, No. 10-31607 (Bankr. W.D.N.C. Dec. 2, 2011) (only 43% of questionnaire claimants responded).
63. *See* Motion of the Debtors for an Order Compelling Mesothelioma Claimants to Comply with this Court's Questionnaire Order and Overruling Objections to the Questionnaire, Dkt. No. 1745, In re Garlock Sealing Technologies LLC, No. 10-31607 (Bankr. W.D.N.C. Dec. 30, 2011).
64. *See* Disclosure Statement for Debtors' Joint Plan of Reorganization, Dkt. No. 1666, In re Garlock Sealing Technologies LLC, No. 10-31607 (Bankr. W.D.N.C. Nov. 28, 2011); Debtors' Joint Plan of Reorganization, Dkt. No. 1664, In re Garlock Sealing Technologies LLC, No. 10-31607 (Bankr. W.D.N.C. Nov. 28, 2011).
65. *See* Debtors' Joint Plan of Reorganization, Dkt. No. 1664, In re Garlock Sealing Technologies LLC, No. 10-31607 (Bankr. W.D.N.C. Nov. 28, 2011), § 7.3.2.
66. *Id.* at §§ 2.1, 2.2.3, 2.2.4, 2.2.5, 2.2.6.

67. *Id.* § 8.2.
68. See First Amended Plan of Reorganization of Leslie Controls, Inc. under Chapter 11 of the Bankruptcy Code, Dkt. No. 172, In re Leslie Controls, Inc., No. 10-12199 (Bankr. D. Del. Aug. 20, 2010); First Amended Disclosure Statement Pursuant to Section 1125 of the Bankruptcy Code with Respect to First Amended Plan of Reorganization of Leslie Controls, Inc. under Chapter 11 of the Bankruptcy Code, Dkt. No. 173, In re Leslie Controls, Inc., No. 10-12199 (Bankr. D. Del. Aug. 20, 2010).
69. First Amended Disclosure Statement Pursuant to Section 1125 of the Bankruptcy Code with Respect to First Amended Plan of Reorganization of Leslie Controls, Inc. under Chapter 11 of the Bankruptcy Code, Dkt. No. 173, In re Leslie Controls, Inc., No. 10-12199 (Bankr. D. Del. Aug. 20, 2010), p. 2.
70. See, e.g., Century Indemnity Company's Objection to Confirmation of the First Amended Plan, Dkt. No. 270, In re Leslie Controls, Inc., No. 10-12199 (Bankr. D. Del. Sep. 27, 2010).
71. See Century Indemnity Company's Statement of Issues on Appeal (Appointment of Future Claims Representative and the FCR's Claims Evaluation Consultants), In re Leslie Controls, Inc., No. 10-12199 (Bankr. D. Del. Aug. 19, 2010).
72. See Protective Order Governing the Production of Privileged Documents, Dkt. No. 275, In re Leslie Controls, Inc., No. 10-12199 (Bankr. D. Del. Sept. 28, 2010).
73. See Findings of Fact, Conclusions of Law, and Order Confirming the First Amended Plan of Reorganization of Leslie Controls, Inc. under Chapter 11 of the Bankruptcy Code., Dkt. No. 382, In re Leslie Controls, Inc., No. 10-12199 (Bankr. D. Del. Oct. 28, 2010).
74. *Id.*
75. See Consent Order Remanding Outstanding Appeals and Dismissing Motion of Debtor for Order Affirming the Bankruptcy Court's Order Confirming the First Amended Plan of Reorganization of Leslie Controls, Inc., Dkt. No. 507, In re Leslie Controls, Inc., No. 10-12199 (Bankr. D. Del. Jan. 18, 2011).
76. See Motion for Order Granting Relief from Automatic Stay; Memorandum of Points and Authorities, Dkt. No. 5, In re Triple A Machine Shop, Inc., No. 10-49354 (Bankr. N.D. Cal. Sept. 3, 2010); Memorandum of Points and Authorities in Support of Motion for Relief from Stay of David Palomares, Dkt. No. 12, In re Triple A Machine Shop, Inc., No. 10-49354 (Bankr. N.D. Cal. Sept. 21, 2010); Notice of Joinder in Brayton Purcell's Motion for Order Granting Relief from Automatic Stay of Waters Kraus & Paul on behalf of Certain Asbestos Claimants, Dkt. No. 14, In re Triple A Machine Shop, Inc., No. 10-49354 (Bankr. N.D. Cal. Sept. 22, 2010); Notice of Joinder and Joinder in Brayton Purcell's Motion from Order Granting Relief from Automatic Stay of Creditor Aida Savelsky, Dkt. No. 25, In re Triple A Machine Shop, Inc., No. 10-49354 (Bankr. N.D. Cal. Sept. 23, 2010).
77. See Response of Ad Hoc Committee re Motions for Relief from Stay, Dkt. No. 20, In re Triple A Machine Shop, Inc., No. 10-49354 (Bankr. N.D. Cal. Sept. 23, 2010).
78. See Order, Dkt. No. 39, In re Triple A Machine Shop, Inc., No. 10-49354 (Bankr. N.D. Cal. Nov. 9, 2010).
79. Application to Compromise Controversies with Debtor's Insurers and Landlord; and For Authority to Abandon and Destroy Business Records of Debtor, Dkt. No. 56, In re Triple A Machine Shop, Inc., No. 10-49354 (Bankr. N.D. Cal. July 26, 2011).
80. Ad Hoc Committee's Objection to Proposed Abandonment of Records and Request for Hearing, Dkt. No. 58, In re Triple A Machine Shop, Inc., No. 10-49354 (Bankr. N.D. Cal. Aug. 16, 2011).
81. Order Authorizing Compromise of Controversies with Debtor's Insurers and Landlord; and Authorizing Trustee to Abandon and Destroy Business Records of Debtor, Dkt. No. 66, In re Triple A Machine Shop, Inc., No. 10-49354 (Bankr. N.D. Cal. Sept. 30, 2011).

82. Voluntary Petition, Dkt. No. 1, In re Pulmosan Safety Equip. Corp., No. 10-16098 (Bankr. S.D.N.Y. Nov. 15, 2010).
83. The dissolution was suspended by the Supreme Court of New York, Queens County, with respect to claimants whose first use of Pulmosan products predated August 1, 1986. *See* Declaration of Matthew Scott in Connection with Chapter 7 Bankruptcy Case of Pulmosan Safety Equipment Corporation, Dkt. No. 2, In re Pulmosan Safety Equip. Corp., No. 10-16098 (Bankr. S.D.N.Y. Nov. 15, 2010), p. 2 n. 2.
84. *Id.* at 2-3.
85. *Id.* at 5.
86. *See* Second Amended Disclosure Statement for Second Amended Plan of Reorganization of State Insulation Corporation, Dkt. No. 274, In re State Insulation Corp., No. 11-15110 (MBK) (Bankr. D.N.J. Jan. 20, 2012).
87. *Id.* at 13.
88. *Id.*
89. *Id.* at 14.
90. *See* Second Amended Chapter 11 Plan of Reorganization of State Insulation Corp., Dkt. No. 273, In re State Insulation Corp., No. 11-15110 (MBK) (Bankr. D.N.J. Jan. 20, 2012). Further modifications to the Second Amended Plan were filed on February 8, 2012. *See* Second Amended Plan, Dkt. No. 286, In re State Insulation Corp., No. 11-15110 (MBK) (Bankr. D.N.J. Feb. 8, 2012).
91. *See id.*, § 5.2. and Exh. 1.
92. *See* Transmittal to the District Court of Report and Recommendation for Entry of: (A) Findings of Fact and Conclusions of Law with respect to the First Amended Chapter 11 Plan of Reorganization [*sic*] for State Insulation Corporation and (B) Order Authorizing Confirmation, Dkt. No. 291, In re State Insulation Corp., No. 11-15110 (MBK) (Bankr. D.N.J. Feb. 10, 2012).
93. Chapter 11 Voluntary Petition, Dkt. No. 1, In re United Gilsonite Labs., No. 11-02032 (Bankr. M.D. Pa. March 23, 2011).
94. Declaration of Thomas White in Support of Chapter 11 Petition and First-Day Motions, Dkt. No. 3, In re United Gilsonite Labs., No. 11-02032 (Bankr. M.D. Pa. March 23, 2011), ¶ 5.
95. *Id.* at ¶ 9.
96. *Id.* at ¶¶ 9, 17.
97. *Id.* at ¶¶ 17-19.
98. *See* Voluntary Petition, Dkt. No. 1, In re The C.P. Hall Co., No. 11-26443 (Bankr. N.D. Ill. June 24, 2011).
99. *See, e.g.*, Debtor's Motion for Extension of Exclusive Periods for Filing a Plan and Obtaining Confirmation Thereof, Dkt. No. 27, In re The C.P. Hall Co., No. 11-26443 (Bankr. N.D. Ill. Oct. 14, 2011), ¶ 2.
100. *See* Order Granting Debtor's Motion for Extension of Time to File a Plan and Disclosure Statement and for Extension of Exclusive Periods for Filing a Plan and Obtaining Confirmation, Dkt. No. 71, In re The C.P. Hall Co., No. 11-26443 (Bankr. N.D. Ill. Feb. 15, 2012).
101. *See* Debtor's Motion for Authorization to Enter into Settlement with Integrity Estate, Dkt. No. 39, In re The C.P. Hall Co., No. 11-26443 (Bankr. N.D. Ill. Jan. 5, 2012); Debtor's Motion for Authorization to Sell Integrity Claim to Primeshares and to Implement Sale Procedures, Dkt. No. 42, In re The C.P. Hall Co., No. 11-26443 (Bankr. N.D. Ill. Jan. 12, 2012).
102. *See* Objection of the Secured Judgment Creditors to Debtor's Motion for Authorization to Sell Integrity Claim to Primeshares and to Implement Sale Procedures [Docket No. 42], Dkt. No. 64, In re The C.P. Hall Co., No. 11-26443 (Bankr. N.D. Ill. Feb. 10, 2012).
103. *See* Motion of Columbia Casualty Company for Entry of Order Determining the Automatic Stay

- does not Apply, or in the alternative, Granting Relief from Stay on a Limited Basis, Dkt. No. 48, In re The C.P. Hall Co., No. 11-26443 (Bankr. N.D. Ill. Jan. 27, 2012).
104. *Id.*
105. *See* Order Confirming First Amended Plan of Reorganization of Christy Refractories Company, L.L.C., Dated June 7, 2011, Dkt. No. 289, In re Christy Refractories Co., No. 08-48541 (Bankr. E.D. Mo. July 13, 2011); Plan of Reorganization under Chapter 11 of the Bankruptcy Code for The Christy Refractories Company, L.L.C., Dated December 7, 2010, Dkt. No. 207, In re Christy Refractories Co., No. 08-48541 (Bankr. E.D. Mo. Dec. 7, 2010); Disclosure Statement with Respect to the Plan of Reorganization of the Debtor The Christy Refractories Company, L.L.C., dated December 7, 2010, Dkt. No. 208, In re Christy Refractories Co., No. 08-48541 (Bankr. E.D. Mo. Dec. 7, 2010).
106. *See* Notice of Entry of Confirmation Order and of Occurrence of Effective Date, Dkt. No. 293, In re Christy Refractories Co., No. 08-48541 (Bankr. E.D. Mo. Sept. 29, 2011); Amended Order Closing Case and Entry of Final Decree, Dkt. No. 319, In re Christy Refractories Co., No. 08-48541 (Bankr. E.D. Mo. Dec. 29, 2011).
107. *See* In re Congoleum Corp., 2009 WL 499262 (Bankr. D.N.J. June 7, 2010).
108. *See* Order, Dkt. No. 003110307543, In re Congoleum Corp., No. 10-3011 (3d Cir. Oct. 7, 2010).
109. *See* Opinion Regarding the Motion of First State Insurance Company and Twin City Fire Insurance Company for Summary Judgment Denying Confirmation of the Amended Joint Plan of Reorganization under Chapter 11 of the Bankruptcy Code of the Debtors, The Official Asbestos Claimants' Committee and The Official Committee of Bondholders for Congoleum Corporation et al., Dated as of November 14, 2008, Dkt. No. 7218, In re Congoleum Corp., No. 03-51524 (KCF) (Bankr. D.N.J. Feb. 26, 2009).
110. *See* In re Congoleum Corp., 414 B.R. 44, 58-59 (D.N.J. 2009).
111. *See* Order Confirming Fourth Amended Joint Plan of Reorganization under Chapter 11 of the Bankruptcy Code of the Debtors, The Official Asbestos Claimants' Committee and The Official Committee of Bondholders for Congoleum Corporation et al. and the Futures Representative Dated as of March 11, 2010 (as Modified), Dkt. No. 8116, In re Congoleum Corp., No. 03-51524 (KCF) (Bankr. D.N.J. June 7, 2010).
112. *See* Order, Dkt. No. 003110307543, In re Congoleum Corp., No. 10-3011 (3d Cir. Oct. 7, 2010).
113. *See* In re Federal-Mogul Global, Inc., 402 B.R. 625 (D. Del. 2009).
114. *Id.* at 638.
115. *See* Notice of Appeal, Dkt. No. 49, In re Federal-Mogul Global, Inc., Nos. 08-0229 and 08-230 (D. Del. April 23, 2009).
116. *See* Order, Dkt. No. 003110242889, In re Federal-Mogul Global, Inc., Nos. 09-2230 and 09-2231 (3d Cir. Aug. 6, 2010).
117. *See* Motion of the Federal-Mogul U.S. Asbestos Personal Injury Trust Seeking Extension of the Third Party Injunction to Zurich Insurance Company Ltd. and Zurich International (Bermuda) Ltd. under Confirmed Plan, Dkt. No. 14675, In re Federal-Mogul Global, Inc., No. 01-10578 (JKF) (Bankr. D. Del. April 15, 2011); Order Granting Motion of the Federal-Mogul U.S. Asbestos Personal Injury Trust Seeking Extension of the Third Party Injunction to Zurich Insurance Company Ltd. and Zurich International (Bermuda) Ltd. under Confirmed Plan, Dkt. No. 582593653, In re Federal-Mogul Global, Inc., No. 01-10578 (Bankr. D. Del. June 6, 2011) (jointly administered by the district court and the bankruptcy court).
118. *See* Order Partially Withdrawing the Reference of the Plan Confirmation Hearing Pursuant to 28 U.S.C. § 157(d) and Authorizing the Bankruptcy Judge to Co-Preside with the District Court Judge over the Plan Confirmation Hearing, Dkt. No. 1, In re G-I Holdings Inc., No. 09-05031-GEB (D.N.J. Sept. 29, 2009), and Dkt. No. 9634, In re G-I Holdings, Inc., No. 01-30135-RG (Bankr. D.N.J. Sept. 29, 2009).

119. See *In re G-I Holdings, Inc.*, 420 B.R. 216, 225 (Bankr. D.N.J. 2009).
120. See Notice of Appeal, Dkt. No. 9795, *In re G-I Holdings, Inc.*, No. 01-30135-RG (Bankr. D.N.J. Nov. 13, 2009).
121. See Order, Dkt. No. 003110134885, *In re G-I Holdings, Inc.*, No. 09-4296 (3d Cir. May 7, 2010).
122. See Order, Dkt. No. 003110760342, *In re G-I Holdings, Inc.*, No. 09-4296 (3d Cir. Dec. 28, 2011); Stipulation and Order pursuant to Bankruptcy Code Sections 502 and 505 Allowing Claim of Internal Revenue Service, Dkt. No. 10539, *In re G-I Holdings, Inc.*, No. 01-30135-RG (Bankr. D.N.J. Dec. 1, 2011).
123. See Notice of Appeal to the United States Court of Appeals for the Third Circuit, Dkt. No. 37, *In re Global Indus. Techs., Inc.*, No. 07-1749 (W.D. Pa. Aug. 25, 2008).
124. See *In re Global Indus. Techs., Inc.*, 384 Fed. Appx. 178 (3d Cir. June 15, 2010).
125. *Hartford Acc. & Indem. Co. v. Global Industrial Technologies, Inc.* (*In re Global Indus. Techs., Inc.*), 645 F.3d 201 (3d Cir. 2011), *cert. denied*, 132 S. Ct. 551 (2011).
126. *Id.* at 204.
127. See Order Granting Motion to Compel Mediation, Dkt. No. 10049, *In re Global Indus. Techs., Inc.*, No. 02-21626 (Bankr. W.D. Pa. July 7, 2011).
128. See Report and Recommendation for Entry of: (A) Findings of Fact and Conclusions of Law with respect to the First Amended Chapter 11 Plan of Reorganization for Hercules Chemical Company, Inc., and (B) Confirmation Order, Dkt. No. 813, *In re Hercules Chem. Co.*, No. 08-27822-MS (Bankr. D.N.J. Dec. 22, 2009).
129. See Order Authorizing Confirmation of the First Amended Chapter 11 Plan of Reorganization for Hercules Chemical Company, Inc., Dkt. No. 831, *In re Hercules Chem. Co.*, No. 09 cv 5777 (DMC) (D.N.J. Jan. 6, 2010).
130. See *In re Johns-Manville Corp.*, 440 B.R. 604, 606 (Bankr. S.D.N.Y. 2010) (“Nearly three decades ago, the Johns-Manville Corporation . . . filed the instant chapter 11 cases before this Court. The same parties that were present thirty years ago are again before this Court in this long-standing saga. In addition, as the Supreme Court noted, ‘[a]lmost a quarter-century after the 1986 Orders were entered,’ ‘the same judge who had issued the 1986 orders’ is still presiding today”).
131. See *Travelers Indem. Co. v. Bailey*, 129 S. Ct. 2195, 2200-01 (2009).
132. *Id.* at 2205 (“On direct appeal of the 1986 Orders, anyone who objected was free to argue that the Bankruptcy Court had exceeded its jurisdiction, and the District Court or Court of Appeals could have raised such concerns *sua sponte*. . . . But once the 1986 Orders became final on direct review (whether or not proper exercises of bankruptcy court jurisdiction and power), they became *res judicata* to the parties and those in privity with them, not only as to every matter which was offered and received to sustain or defeat the claim or demand, but as to any other admissible matter which might have been offered for that purpose”) (internal quotation marks omitted), quoting *Nevada v. United States*, 463 U.S. 110, 130 (1983) (quoting *Cromwell v. County of Sac*, 94 U.S. 351, 352 (1877)).
133. *Id.* at 2207 (remanding to the Second Circuit).
134. See *In re Johns-Manville Corp.*, 600 F.3d 135, 154 (2d Cir. 2010) (“because the 1986 Orders purport to bind Chubb’s *in personam* claims, the better due process analogy in terms of notice and representation principles is to class action settlements, not *in rem* bankruptcy proceedings”); *id.* at 156 (“Because of the *in personam* manner in which the 1986 Orders have been interpreted, the due process issues discussed in Stephenson and Amchem present grave representation and notice problems with respect to Chubb”).
135. *Id.* at 159.
136. See *Travelers Indem. Co. v. Chubb Indem. Co.*, 131 S. Ct. 644 (2010).
137. See Motion of Statutory and Hawaii Direct Action Settlement Counsel to Compel Payment of

- Settlement Proceeds under Statutory and Hawaii Direct Action Settlement Agreements, Dkt. No. 3931, In re Johns-Manville Corp., No. 82-B-11656 (Bankr. S.D.N.Y. Oct. 2, 2010); Motion of Common Law Settlement Counsel to Enforce Settlement Agreement and Compel Payment of Settlement Proceeds under Common Law Settlement Agreement, Dkt. No. 3932, In re Johns-Manville Corp., No. 82-B-11656 (Bankr. S.D.N.Y. Oct. 3, 2010).
138. See In re Johns-Manville Corp., 440 B.R. at 613.
139. *Id.* at 615 (“The fact that the Second Circuit has held that Chubb ‘did not receive adequate notice of the 1986 Orders’ and is therefore not bound by its terms does not affect the finality of the 2004 Clarifying Order”).
140. *Id.* at 614.
141. See Final Judgment, Dkt. No. 3977, In re Johns-Manville Corp., No. 82-B-11656 (Bankr. S.D.N.Y. Jan. 20, 2011).
142. In re Pittsburgh Corning Corp., 453 B.R. 570, 584 (Bankr. W.D. Pa. 2011).
143. See *id.* at 587-89.
144. See *id.* at 589.
145. See *id.* at 590.
146. See *id.* at 594. The court also rejected a challenge to the good faith of the plan, holding that just because the plan was not confirmable did not mean it was not filed in good faith. *Id.* at 604-05. The court also rejected an argument that the plan’s trust distribution procedures were not proposed in good faith. *Id.* at 605-611.
147. See Modified Third Amended Plan of Reorganization for Pittsburgh Corning Corporation Dated January 29, 2009 Jointly Proposed by Pittsburgh Corning Corporation, the Official Committee of Asbestos Creditors and the Future Claims Representative, Dkt. No. 8459, In re Pittsburgh Corning Corp., No. 00-22876 (Bankr. W.D. Pa. Sept. 23, 2011).
148. See Dkt. Nos. 8510, 8511, 8513, 8542, 8543, In re Pittsburgh Corning Corp., No. 00-22876 (Bankr. W.D. Pa.).
149. See Notice of Debtor’s Proposed Plan Amendments Dated November 29, 2011, Dkt. No. 8572, In re Pittsburgh Corning Corp., No. 00-22876 (Bankr. W.D. Pa. Nov. 29, 2011); Notice of Plan Proponents’ and Plan Supporters’ Proposed Plan Amendments Dated December 12, 2011, Dkt. No. 8586, In re Pittsburgh Corning Corp., No. 00-22876 (Bankr. W.D. Pa. Dec. 12, 2011); Notice of Plan Proponents’ and Plan Supporters’ Proposed Plan Amendments Dated December 23, 2011, Dkt. No. 8606, In re Pittsburgh Corning Corp., No. 00-22876 (Bankr. W.D. Pa. Dec. 23, 2011); Notice of Debtor’s Proposed Plan Amendments Dated February 13, 2012, Dkt. No. 8660, In re Pittsburgh Corning Corp., No. 00-22876 (Bankr. W.D. Pa. Feb. 13, 2012).
150. See Dkt. Nos. 8594, 8628, 8630, 8634, and 8667, In re Pittsburgh Corning Corp., No. 00-22876 (Bankr. W.D. Pa.). See also Order Denying Motion to Continue/Reschedule The February 17, 2012, Omnibus Hearing And Setting Status Conference And Argument Date, Dkt. No. 8665, In re Pittsburgh Corning Corp., No. 00-22876 (Bankr. W.D. Pa. Feb. 15, 2012).
151. See In re Quigley Co., 473 B.R. 102 (Bankr. S.D.N.Y. 2010).
152. *Id.* at 126 (the court stated further that “this is a Quigley bankruptcy in name only. Pfizer conceived and executed the global strategy, including the resuscitation of the moribund Quigley and the filing of the chapter 11 case The Fourth Plan, like the plans that preceded it, is designed to free the Pfizer Protected Parties from derivative liability, and only incidentally, to reorganize Quigley to the extent necessary to confirm the plan”).
153. *Id.* at 132.
154. *Id.* at 140.
155. *Id.* at 142.
156. See Motion of Ad Hoc Committee of Tort Victims for an Order Dismissing Quigley Company Inc.’s

- Bankruptcy Case, Dkt. No. 2135, In re Quigley Co., No. 04-15739 (SMB) (Bankr. S.D.N.Y. Oct. 5, 2010); Notice of Motion and Memorandum of Law of the United States Trustee in Support of Motion for an Order Dismissing this Case, Dkt. No. 2188, In re Quigley Co., No. 04-15739 (SMB) (Bankr. S.D.N.Y. Dec. 22, 2010).
157. See Order Granting Motion Authorizing Quigley to Enter into Plan Support Agreement with Pfizer Inc. and the Ad Hoc Committee of Tort Victims, Dkt. No. 2269, In re Quigley Co., No. 04-15739 (SMB) (Bankr. S.D.N.Y. Apr. 7, 2011).
158. See Sixth Amended and Restated Disclosure Statement with Respect to Quigley Company, Inc. Fifth Amended and Restated Plan of Reorganization under Chapter 11 of the Bankruptcy Code, Dkt. No. 2266; Quigley Company, Inc. Fifth Amended and Restated Plan of Reorganization under Chapter 11 of the Bankruptcy Code, Dkt. No. 2264, In re Quigley Co., No. 04-15739 (SMB) (Bankr. S.D.N.Y. Apr. 6, 2011).
159. See Notice of Adjournment of Matters Scheduled for Hearing on August 4, 2011, Dkt. No. 2318, In re Quigley Co., No. 04-15739 (SMB) (Bankr. S.D.N.Y. July 25, 2011).
160. See In re Quigley Co., Inc., 449 B.R. 196 (S.D.N.Y. 2011).
161. See Pfizer Inc.'s Memorandum in Support of its Motion for Stay pending Appeal, Dkt. No. 43, In re Quigley Co., Inc., No. 10-cv-01573 (RJH) (S.D.N.Y. June 28, 2011); Memorandum Opinion and Order, Dkt. No. 49, In re Quigley Co., Inc., No. 10-cv-01573 (RJH) (S.D.N.Y. July 22, 2011) (granting stay with appellee's consent).
162. See In re American Capital Equip., Inc., 405 B.R. 415, 418 (Bankr. W.D. Pa. 2009).
163. *Id.*
164. *Id.* at 418-19 and 424 (noting that if the plan voided insurance coverage, then the plan would not be financially viable).
165. *Id.* at 421-22 (noting that debtor and its insurers had never paid an asbestos claim for approximately 20 years, and most asbestos claims asserted against the debtor had been administratively dismissed pre-petition by the U.S. District Court for the Eastern District of Pennsylvania).
166. *Id.* at 422.
167. See Skinner Engine Co. v. Allianz Global Risk U.S. Ins. Co., No. 09-0886, 2010 WL 1337222 (W.D. Pa. March 29, 2010).
168. See Order Confirming Fifth Amended Joint Plan of Reorganization of Thorpe Insulation Company and Pacific Insulation Company dated December 27, 2009, Dkt. No. 2611, In re Thorpe Insulation Co., No. 2:07-19271-BB (Bankr. C.D. Cal. Feb. 1, 2010).
169. See Order and Opinion Affirming Plan Confirmation and § 524(g) Injunction, Dkt. No. 86, In re Thorpe Insulation Co., No. CV 10-1493 (C.D. Cal. Sept. 21, 2010).
170. See Plan Proponents' Motion to Dismiss Appeals as Moot, Dkt. No. 34-1, In re Thorpe Insulation Co., No. 10-56543 (9th Cir. Jan. 4, 2011).
171. See Motor Vehicle Cas. Co. v. Thorpe Insulation Co. (In re Thorpe Insulation Co.), __ F.3d __, 2012 WL 178998 (9th Cir. Jan. 24, 2012).
172. *Id.*, 2012 WL 178998, at *7.
173. See Appellees' Petition for Rehearing *En Banc*, Dkt. No. 78, Motor Vehicle Cas. Co. v. Thorpe Insulation Co. (In re Thorpe Insulation Co.), No. 10-56543 (9th Cir. Feb. 7, 2012).
174. See Order, Dkt. No. 80, Motor Vehicle Cas. Co. v. Thorpe Insulation Co. (In re Thorpe Insulation Co.), No. 10-56543 (9th Cir. Feb. 15, 2012).
175. Continental Ins. Co. v. Thorpe Insulation Co. (In re Thorpe Insulation Co.), __ F.3d __, 2012 WL 255231 (9th Cir. Jan. 30, 2012).
176. *Id.*, 2012 WL 255231, at *12.

177. *See* Notice of Appeal from Order Approving (1) Insurance Settlement with Fireman's Fund Insurance Company and Chicago Insurance Company and (2) the Sale of Insurance Policies Free and Clear of Liens, Claims and Interests (Dkt. No. 3019); and Findings of Fact and Conclusions of Law re Settlement Approval (Dkt. No. 3018) and Notice of Appeal from Order Granting Post-Remand Motion for Order Approving (1) Insurance Settlement with Certain Insurance Companies now known as Westport Insurance Corporation and Swiss Re Companies; and (2) the Sale of Insurance Policies Free and Clear of Liens, Claims and Interests (Dkt. No. 3016), filed by Motor Vehicle Casualty Company, Central National Insurance Company of Omaha, and Century Indemnity Company, successor to Cigna Specialty Insurance Company f/k/a California Union Insurance Company, Dkt. Nos. 3048 and 3052, In re Thorpe Insulation Co., No. 2:07-19271-BB (Bankr. C.D. Cal. Jan. 3, 2011).
178. *See* In re Thorpe Insulation Co., 2011 WL 1378537 (C.D. Cal. Apr. 11, 2011) (dismissing appeal from order approving settlement between Thorpe and Westport Insurance Corporation and Swiss Re Companies); Order Granting Appellee's Motion to Dismiss, Dkt. No. 23, In re Thorpe Insulation Co., No. CV 11-604 (C.D. Cal. June 8, 2011) (dismissing appeal from order approving Thorpe's settlement with Fireman's Fund Insurance Company); Order Granting Motion to Dismiss Appeal, Dkt. No. 41, In re Thorpe Insulation Co., No. CV 11-03607 (C.D. Cal. Nov. 7, 2011) (dismissing appeal from substantial contribution order).
179. *See* The Waters & Kraus Claimants' (A) Application to Extend the Time to Interpose Full and Complete Objections to the Confirmation of the First Amended Prepackaged Plan of Reorganization of T.H. Agriculture & Nutrition, L.L.C. under Chapter 11 of the Bankruptcy Code (B) Initial Objection and (C) Application for Continuance to Submit Full and Complete Objections, Dkt. No. 453, In re T.H. Agriculture & Nutrition, L.L.C., No. 08-14692 (Bankr. S.D.N.Y. May 21, 2009).
180. *See* In re T.H. Agriculture & Nutrition, L.L.C., 2009 WL 7193573 (Bankr. S.D.N.Y. May 28, 2009).
181. *See* Notice of Appeal, Dkt. No. 468, In re T.H. Agriculture & Nutrition, L.L.C., No. 08-14692 (Bankr. S.D.N.Y. June 8, 2009); Objection of Waters & Kraus Claimants to Debtor's Application for District Court Affirmance of the Bankruptcy Court's Confirmation of the First Amended Prepackaged Plan of Reorganization of T.H. Agriculture & Nutrition, L.L.C. under Chapter 11 of the Bankruptcy Code, Dkt. No. 472, In re T.H. Agriculture & Nutrition, L.L.C., No. 08-14692 (Bankr. S.D.N.Y. June 22, 2009).
182. *See* Consensual Order Approving Plan Modifications, Dkt. No. 527, In re T.H. Agriculture & Nutrition, L.L.C., No. 08-14692 (Bankr. S.D.N.Y. Oct. 14, 2009).
183. *See* Order Regarding the Bankruptcy Court's Confirmation of the First Amended Prepackaged Plan of Reorganization of T.H. Agriculture & Nutrition, L.L.C. under Chapter 11 of the Bankruptcy Code as Modified, Dkt. No. 33, In re T.H. Agriculture & Nutrition, L.L.C., No. 1:09 cv 6432 (S.D.N.Y. Oct. 26, 2009).
184. *See* In re W.R. Grace & Co., No. 01-1139 (JKF), 2011 WL 381942 (Bankr. D. Del. Jan. 31, 2011).
185. *See* In re W.R. Grace & Co., __ B.R. __, 2012 WL 310815 (D. Del. Jan. 30, 2012).
186. *See* Motor Vehicle Cas. Co. v. Thorpe Insulation Co. (In re Thorpe Insulation Co.), __ F.3d __, 2012 WL 178998, at *9 (9th Cir. Jan. 24, 2012).
187. *See id.*, 2012 WL 178998, at *10.
188. *See id.*, 2012 WL 178998, at *16; Hartford Acc. & Indem. Co. v. Fitzpatrick (In re Global Indus. Techs., Inc.), 645 F.3d 201 (3d Cir. 2011), *cert. denied*, __ S. Ct. __ (Nov. 7, 2011).
189. *See* Davis & Plevin, "Rest of the Story: Lessons from Leslie Controls," American Bankruptcy Institute Journal (June 2011).
190. *See* In re Pittsburgh Corning Corp., 453 B.R. 570, 589, 605-11 (Bankr. W.D. Pa. 2011).
191. Artra 524(g) Asbestos Trust v. Fairmont Premier Ins. Co., 2011 WL 4684356, at *1 (N.D. Ill. Sept. 30,

- 2011), citing *UNR Indus., Inc. v. Continental Cas. Co.*, 942 F.2d 1101, 1105 (7th Cir. 1991).
192. Apart from its failure to give the “insurance neutrality” language the meaning urged by the insurers, the Artra 524(g) Asbestos Trust decision is also notable for rejecting as “inapplicable” out-of-state law the ruling in *Fuller-Austin Insulation Co. v. Highlands Ins. Co.*, 135 Cal. App.4th 958, 38 Cal. Rptr.3d 716 (2006), *cert. denied*, 127 S. Ct. 248 (2006), which held that insurers were obligated only to indemnify the amounts actually paid by a § 524(g) trust, rather than the undiscounted “allowed liquidated value” determined by the trust.
 193. *In re Quigley Co., Inc.*, 437 B.R. at 141 (“a broad interpretation [of § 524(g)] that imposes an ongoing business requirement could transform the funding requirement into a feasibility test, duplicating the requirement imposed under 11 U.S.C. § 1129(a)(11)”).
 194. 140 Cong. Rec. S 4521-01, at S 4522-23 (Apr. 20, 1994) (emphasis added).
 195. 140 Cong. Rec. S 4521-01, at S 4523 (Apr. 20, 1994) (emphasis added).
 196. 140 Cong. Rec. S 4521-01, at S 4524 (Apr. 20, 1994). *See also In re Johns-Manville Corp.*, 36 B.R. at 746 (shielding Manville from suits by future asbestos claimants was essential in order to prevent its liquidation and preserve “needed jobs and the productivity emanating from an ongoing concern”).
 197. *In re Combustion Eng'g, Inc.*, 391 F.3d 191, 248 (3d Cir. 2004).
 198. *In re Western Asbestos Co.*, 313 B.R. 832, 854 (Bankr. N.D. Cal. 2003).
 199. *See Motor Vehicle Cas. Co. v. Thorpe Insulation Co. (In re Thorpe Insulation Co.)*, ___ F.3d ___, 2012 WL 178998 (9th Cir. Jan. 24, 2012).
 200. *In re Quigley Co., Inc.*, 437 B.R. at 114.
 201. *Id.* at 141.
 202. *Id.* at 143.
 203. *See Charles Bates and Charles Mullin, State Of The Asbestos Litigation Environment – October 2008*, Mealey's Litigation Report: Asbestos, Vol. 23, No. 19 (Nov. 2008), at 36 (reporting that \$25.7 billion in hard assets is currently available to 35 confirmed asbestos personal injury trusts); Defendant Owens-Illinois, Inc. and Other Defendants' Brief Relating to Interpretation of Chapter 33 as to “Bankrupt” Responsible Third Parties, LEXISNEXIS File & Serve No. 21452970, *In re: Asbestos Litigation*, No. 2004-03964 (11th Dist. Ct., Harris Cty., Tex., Sept. 11, 2008), at 7 (stating that nearly \$40 billion in assets is currently held by asbestos personal injury trusts for the payment of claims).
 204. *See Defendant Owens-Illinois, Inc. and Other Defendants' Brief Relating to Interpretation of Chapter 33 as to “Bankrupt” Responsible Third Parties*, LEXISNEXIS File & Serve No. 21452970, *In re: Asbestos Litigation*, No. 2004-03964 (11th Dist. Ct., Harris Cty., Tex., Sept. 11, 2008), at Exh. W (listing payments available to mesothelioma claimants from confirmed asbestos personal injury trusts of up to \$1 million per claim).
 205. *See, e.g., Shelley, et al., The Need For Transparency Between The Tort System And Section 524(g) Trusts*, Norton J. Bankr. L. & Prac., Vol. 17 (Apr. 2008).
 206. *See, e.g., Ferguson v. Lorillard Tobacco Co.*, 2011 WL 5903453 at *1 (E.D. Pa. Nov. 22, 2011) (granting defendant's motion to compel production of claims plaintiff submitted to asbestos bankruptcy trusts, but allowing redaction of settlement amounts and offers of compromise); *Shepherd v. Pneumo-Abex, LLC*, 2010 WL 3431663 at *2 (E.D. Pa. Aug. 30, 2010) (same); *Drabczyk v. Amchem Prods., Inc.*, Index No. 2005/1583 (N.Y. Supr., Erie Cty., Jan. 18, 2008) (ordering disclosure of proof of claim forms filed with bankruptcy trusts; such forms “may contain information concerning product identification, the claimant's work history and exposure to asbestos, causation and apportionment of fault . . .”); *Volkswagen of America, Inc. v. Superior Court*, 139 Cal. App.4th 1481, 1493-96 (2006) (holding most documents claimants submitted to a § 524(g) bankruptcy trust in support of its claim were discoverable in tort litigation); *Seariver Maritime, Inc. v. Superior Court*, 2006 WL 2105431, at *2 (Cal. App. July 28, 2006) (factual

- information on claim forms discoverable); *Link v. Ahlstrom Pumps, LLC*, No. 05-565305 (Ohio Com. Pl., Cuyahoga Cty. Dec. 1, 2006) (documents provided to a trust ordered produced).
207. *See, e.g.*, Master Case Management Order for Asbestos-Related Personal Injury Claims, In re: Asbestos Litigation, No. 0001 (Pa. Com. Pl., Philadelphia Cty.), § III (requiring plaintiff to disclose “information relating to Bankruptcy Trust Filings”); 2010 Case Management Order, Dkt. No. 31124655, In re: Asbestos Personal Injury Litig., No. 03-C-9600 (W. Va. Cir. Ct. Kanawha Cty. (May 14, 2010), § 22(A)(3) (requiring disclosure of, *inter alia*, “all trust claims and claims materials . . . including but not limited to, work histories, depositions, and the testimony of the claimant and others as well as medical documentation”) and § 22(E) (because “defendants will be entitled to set-offs or credits of the paid liquidated value of trust claims,” the court may “require each claimant to disclose the total amount received or reasonably expected to be received from the bankruptcy proceedings”).
208. *See, e.g.*, 2010 Case Management Order, Dkt. No. 31124655, In re: Asbestos Personal Injury Litigation, No. 03-C-9600 (W. Va. Cir. Ct. Kanawha Cty. (May 14, 2010), § 22(A)(2) (requiring plaintiff to disclose “any and all existing claims that may exist against asbestos trusts” and “when a claim was *or will be* made”) (emphasis added); Transcript of Proceedings in consolidated pretrial hearing before Hon. Shirley Werner Kornreich, Index Nos. 1037729/07, 105609/03, 105136/07, 107449/07, 104144/07, 106808/07, 117395/06, 116617/06 (N.Y. Supr., N.Y. Cty., Jan. 24, 2008) at 45-46, 51 (ordering counsel to file any claims against any bankruptcy trust that they were going to file, and stating that claimants’ counsel’s delay in submitting claims to bankruptcy trusts was “gamesmanship” and that the court would “vacate any verdict” in favor of a plaintiff who filed a claim against a bankruptcy trust after the verdict had been rendered).
209. *See* Motion of Debtors for an Order Pursuant to Bankruptcy Rule 2004 Directing Production of Data by Claims Processing Facilities and Asbestos Trusts, Dkt. No. 601, In re Garlock Sealing Technologies LLC, No. 10-31607 (Bankr. W.D.N.C. Oct. 13, 2010).
210. *See* Order Quashing Debtors’ Notices of Deposition Pursuant to Rule 30(b)(6) and Denying Motions to Compel, Dkt. No. 1187, In re Garlock Sealing Technologies LLC, No. 10-31607 (Bankr. W.D.N.C. Feb. 25, 2011).
211. *See* Report of the Official Committee of Asbestos Personal Injury Claimants on Debtors’ Motions to Obtain Access to Rule 2019 Statements in Other Bankruptcies, Dkt. No. 1141, In re Garlock Sealing Technologies LLC, No. 10-31607 (Bankr. W.D.N.C. Feb. 9, 2011) (citing motions filed in In re ACandS, Inc., No. 02-12687 (Bankr. D. Del.), In re Armstrong World Indus., Inc., No. 00-4471 (Bankr. D. Del.), In re Combustion Engineering, Inc., No. 03-10495 (Bankr. D. Del.), In re The Flintkote Co., No. 04-11300 (Bankr. D. Del.), In re Kaiser Aluminum Corp., No. 02-10429 (Bankr. D. Del.), In re Owens Corning, No. 00-3837 (Bankr. D. Del.), In re US Mineral Prods. Co., No. 01-2471 (Bankr. D. Del.), In re USG Corp., No. 01-2094 (Bankr. D. Del.), In re W.R. Grace & Co., No. 01-1139 (Bankr. D. Del.), In re Mid-Valley, Inc., No. 03-35592 (Bankr. W.D. Pa.), In re North American Refractories Co., No. 02-20198 (Bankr. W.D. Pa.), and In re Pittsburgh Corning Corp., No. 00-22876 (Bankr. W.D. Pa.).
212. *See id.* at Exh. 1, ¶¶ 13-16, 24.
213. *Id.* at ¶ 24.
214. In re ACandS, Inc., ___ B.R. ___, 2011 WL 4801527, at *4 (Bankr. D. Del. Oct. 7, 2011).
215. *See* Motion of the Debtors for an Order, Pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure, Directing Production of Information by Claims Processing Facilities for Certain Asbestos Personal Injury Trusts, Dkt. No. 436, In re Specialty Prods. Holding Corp., No. 10-11780-JKF (Bankr. D. Del. Oct. 12, 2010); Motion of the Debtors for an Order, Pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure, Directing Production of Historic Claims Databases By Certain Asbestos Injury Trusts, Dkt. No. 559, In re Specialty

- Prods. Holding Corp., No. 10-11780-JKF (Bankr. D. Del. Nov. 14, 2010).
216. *See e.g.*, Motion of the Debtors for an Order, Pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure, Directing Production of Information by Claims Processing Facilities for Certain Asbestos Personal Injury Trusts, Dkt. No. 436, In re Specialty Prods. Holding Corp., No. 10-11780-JKF (Bankr. D. Del. Oct. 12, 2010), ¶¶ 1, 2, 15.
217. *See e.g.*, Objections of NGC Bodily Injury Trust (Dkt. No. 486), Fuller-Austin Asbestos Settlement Trust (Dkt. No. 487), United States Mineral Products Company Asbestos Personal Injury Settlement Trust (Dkt. No. 491), Future Claimants Representative (Dkt. No. 493), Utex Industries, Successor Trust (Dkt. No. 495), Verus Claims Services (Dkt. No. 496), the Committee of Asbestos Personal Injury Claimants (Dkt. Nos. 510, 517), Porter Hayden Bodily Injury Trust (Dkt. No. 499), Resolution Management Corporation, Manville Personal Injury Settlement Trust and C.E. Thurston & Sons, Inc. Asbestos Trust (Dkt. No. 501), ABB Lummus Global Inc. 524(g) Asbestos PI Trust (Dkt. No. 502), the Combustion Engineering 524(g) Asbestos PI Trust (Dkt. No. 504), Swan Asbestos & Silica Settlement Trust (Dkt. No. 506), Kaiser Aluminum & Chemical Corporation Asbestos Personal Injury Trust (Dkt. No. 512), United States Gypsum Asbestos Personal Injury Settlement Trust, DII Industries, LLC Asbestos PI Trust, Babcock & Wilcox Company Asbestos Personal Injury Settlement Trust, Celotex Asbestos Settlement Trust, Armstrong World Industries, Inc. Asbestos Personal Injury Settlement Trust, Federal-Mogul Asbestos Personal Injury Trust, Owens Corning/Fibreboard Asbestos Personal Injury Trust (Dkt. No. 513), Delaware Claims Processing Facilities (Dkt. No. 515), ACandS Asbestos Settlement Trust and Plibrico 524(g) Asbestos Trust (Dkt. No. 516), In re Specialty Prods. Holding Corp., No. 10-11780-JKF (Bankr. D. Del. Oct. 29, 2010).
218. *See* Order Denying without Prejudice Motion of the Debtors for an Order, Pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure, Directing Production of Historic Claims databases by Certain Asbestos Personal Injury Trusts, Dkt. No. 1546, In re Specialty Prods. Holding Corp., No. 10-11780-JKF (Bankr. D. Del. Aug. 3, 2011); Order Denying without Prejudice Motion of the Debtors for an Order, Pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure, Directing Production of Information by Claims Processing Facilities for Certain Asbestos Personal Injury Trusts, Dkt. No. 1547, In re Specialty Prods. Holding Corp., No. 10-11780-JKF (Bankr. D. Del. Aug. 3, 2011).
219. *See* Verified Complaint for Declaratory and Injunctive Relief, Dkt. No. 1, In re ACandS, Inc., Adv. No. 10-53721 (Bankr. D. Del. Oct. 28, 2010); Verified Complaint for Declaratory and Injunctive Relief, Dkt. No. 1, In re Kaiser Aluminum Corp., Adv. No. 10-53719 (Bankr. D. Del. Oct. 28, 2010); Verified Complaint for Declaratory and Injunctive Relief, Dkt. No. 1, In re Owens Corning, Adv. No. 10-53720 (Bankr. D. Del. Oct. 28, 2010); Verified Complaint for Declaratory and Injunctive Relief, Dkt. No. 1, In re USG Corp., Adv. No. 10-53712 (Bankr. D. Del. Oct. 28, 2010). The cases were later consolidated in Adv. No. 10-53719, In re Kaiser Aluminum Corp. *See e.g.*, Order Consolidating Related Adversary Proceedings, Dkt. No. 16, In re ACandS, Inc., Adv. No. 10-53721 (Bankr. D. Del. Dec. 21, 2010).
220. *See e.g.*, Verified Complaint for Declaratory and Injunctive Relief, Dkt. No. 1, In re ACandS, Inc., Adv. No. 10-53721 (Bankr. D. Del. Oct. 28, 2010), ¶¶ 34, 35.
221. *See* Specialty Products Holding Corp.'s Motion to Dismiss Plaintiffs' Original Verified Complaint, and, in the alternative, to Drop Specialty Products Holding Corp. as a Misjoined Party, Dkt. No. 32, In re ACandS, Inc., Adv. No. 10-53721 (Bankr. D. Del. Nov. 18, 2010); Memorandum in Support of Garlock's Motion to Dismiss, Dkt. No. 43, In re ACandS, Inc., Adv. No. 10-53721 (Bankr. D. Del. Nov. 24, 2010).
222. *See* Memorandum of Law in Support of Hartford's Motion to Dismiss, Dkt. No. 30, In re ACandS, Inc., Adv. No. 10-53721 (Bankr. D. Del. Nov. 18, 2010).
223. *See* Memorandum Opinion, Dkt. No. 79, In re ACandS, Inc., Adv. No. 10-53721 (Bankr. D. Del. Feb. 22, 2011).

224. See *Jeld-Wen, Inc. v. Van Brunt* (In re Grossman's), 607 F.3d 114 (3d Cir. 2010).
225. See *Placid Oil Co. v. Williams* (In re Placid Oil Co.), Adv. No. 09-03356-SGJ (Bankr. N.D. Tex. Jan. 18, 2012); In re *Chateaugay Corp.*, 2009 WL 367490 (Bankr. S.D.N.Y. Jan. 14, 2009).
226. See *Flores v. Kmart Corp.*, 2012 WL 206617 (Cal. App. Jan. 25, 2012).
227. These issues were initially discussed in *Where Are They Now?, Part Five: An Update on Developments In Asbestos-Related Bankruptcy Cases*, Mealey's Asbestos Bankruptcy Report, Vol. 8, No. 8 (March 2009).
228. See *Certain Insurers' Motion for Summary Judgment (Contribution Issues)*, Dkt. No. 1216, In re *Plant Insulation Co.*, No. 09-31347 (Bankr. N.D. Cal. June 14, 2011); *Certain Insurers' Motion for Summary Judgment that the Second Amended Plan, as Amended, is not Confirmable*, Dkt. No. 1434, In re *Plant Insulation Co.*, No. 09-31347 (Bankr. N.D. Cal. Sept. 8, 2011).
229. See *Order re Mootness of Certain Insurers' Motion for Summary Judgment that the Plan, as Amended, is not Confirmable at 2:14-15*, Dkt. No. 1616, In re *Plant Insulation Co.*, No. 09-31347 (Bankr. N.D. Cal. Nov. 4, 2011); Transcript of October 19, 2011 Hearing at 62:22-63:3, In re *Plant Insulation Co.*, No. 09-31347 (Bankr. N.D. Cal. Oct. 19, 2011).
230. See *Where Are They Now?, Part Five: An Update on Developments In Asbestos-Related Bankruptcy Cases*, Mealey's Asbestos Bankruptcy Report, Vol. 8, No. 8 (March 2009).
231. See *Motor Vehicle Cas. Co. v. Thorpe Insulation Co.* (In re *Thorpe Insulation Co.*), ___ F.3d ___, 2012 WL 178998, at *15 (9th Cir. Jan. 24, 2012).
232. See *In re W.R. Grace & Co.*, ___B.R. ___, 2012 WL 310815 (D. Del. Jan. 30, 2012), at *89 & n.168. ■

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