

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

In re

BESTWALL LLC,¹

Debtor.

Chapter 11

Case No. 17-31795 (LTB)

BESTWALL LLC,

Plaintiff,

v.

THOSE PARTIES LISTED ON APPENDIX A
TO COMPLAINT and JOHN AND JANE
DOES 1-1000,

Defendants.

Adv. Proc. No. 17-3105 (LTB)

**NOTICE OF AGENDA OF MATTERS
SCHEDULED FOR HEARING ON JANUARY 24, 2019**

Time of Hearing: 9:30 a.m. (prevailing Eastern Time)

Location of Hearing: Courtroom of the Honorable Chief Judge Laura T. Beyer, United States Bankruptcy Court for the Western District of North Carolina, Charlotte Division, Courtroom 1-5, 401 West Trade Street, Charlotte, North Carolina 28202

¹ The last four digits of the Debtor's taxpayer identification number are 5815. The Debtor's address is 100 Peachtree Street, N.W., Atlanta, Georgia 30303.

MATTERS IN MAIN CHAPTER 11 CASE

1. Motion of the Official Committee of Asbestos Claimants to (I) Dismiss the Debtor's Chapter 11 Case for Cause as a Bad Faith Filing Pursuant to 11 U.S.C. § 1112(b), or Alternatively, (II) Transfer Venue in the Interest of Justice and for the Convenience of the Parties Pursuant to 28 U.S.C. § 1412 [Docket No. 495]

Status: Argument on this matter was completed at a hearing conducted on November 9, 2018, after which this matter was continued by the Court. The hearing on this matter is going forward for the Court to issue its ruling.

Objection Deadline: By agreement of the parties, the deadline to object was extended to September 28, 2018 for the Debtor and Georgia-Pacific LLC.

Related Documents:

- A. Declaration of Tyler L. Woolson in Support of First Day Pleadings [Docket No. 2]
- B. Declaration of J. Joel Mercer, Jr. in Support of Debtor's Complaint to Extend or Apply the Automatic Stay and Related Motions [Adv. Pro. Docket No. 5]
- C. Agreed Order Regarding Filing of Certain Motions [Docket No. 135]
- D. Joint Notice of Extended Date Pursuant to the Agreed Order Regarding Filing of Certain Motions [Docket No. 186]
- E. Joint Notice of Further Extended Date Pursuant to the Agreed Order Regarding Filing of Certain Motions [Docket No. 314]
- F. Joint Notice of Further Extended Date Pursuant to the Agreed Order Regarding Filing of Certain Motions [Docket No. 419]
- G. Joint Notice of Further Extended Date Pursuant to the Agreed Order Regarding Filing of Certain Motions [Docket No. 457]
- H. Notice of Hearing [Docket No. 496]
- I. Agreed Order Regarding Filing of Certain Motions [Docket No. 522]
- J. Order Continuing Hearings on Motion to Dismiss (Case No. 17-31795) and Preliminary Injunction motion (Adversary Proceeding No. 17-3105) [Docket No. 623]
- K. Debtor's *Ex Parte* Motion Requesting Authority to Exceed Maximum Page Limit [Docket No. 638]
- L. Declaration of Gregory M. Gordon [Docket No. 641]

- M. Stipulation Establishing Briefing Schedule with Respect to Motion to Dismiss Chapter 11 Case or, Alternatively, to Transfer Venue [Docket No. 644]
- N. Order Authorizing Debtor to Exceed Maximum Page Limit [Docket No. 645]
- O. Debtor's Submission in Lieu of Live Testimony [Docket No. 651]
- P. Notice of Filing [Docket No. 654]
- Q. Notice of Filing Annex 2 to Debtor's Submission in Lieu of Live Testimony [Docket No. 665]
- R. Notice of Filing Annotated Objection to Dismissal Motion [Docket No. 667]
- S. Notice of Filing Annotated Response to Dismissal Motion [Docket No. 675]

Responses Filed:

- A. The Debtor's Objection to Motion of the Official Committee of Asbestos Claimants to Dismiss the Chapter 11 Case, or Alternatively, Transfer Venue [Docket No. 640]
- B. Georgia-Pacific LLC's Response to the Official Committee of Asbestos Claimants' Motion to (I) Dismiss the Debtor's Chapter 11 Case for Cause as a Bad Faith Filing Pursuant to 11 U.S.C. § 1112(b), or Alternatively, (II) Transfer Venue in the Interest of Justice and for the Convenience of the Parties Pursuant to 28 U.S.C. § 1412 [Docket No. 642]
- C. The Official Committee of Asbestos Claimants' Omnibus Reply in Support of its Motion to (I) Dismiss the Debtor's Chapter 11 Case for Cause as a Bad Faith Filing Pursuant to 11 U.S.C. § 1112(b), or Alternatively, (II) Transfer Venue in the Interest of Justice and for the Convenience of the Parties Pursuant to 28 U.S.C. § 1412 [Docket No. 653]
- D. The Debtor's Sur-Reply in Support of its Objection to Motion of the Official Committee of Asbestos Claimants to Dismiss the Chapter 11 Case, or Alternatively, Transfer Venue [Docket No. 659]
- E. Georgia-Pacific LLC's Sur-Reply to the Official Committee of Asbestos Claimants' Omnibus Reply in Support of its Motion to (I) Dismiss the Debtor's Chapter 11 Case for Cause as a Bad Faith Filing Pursuant to 11 U.S.C. § 1112(b), or Alternatively, (II) Transfer Venue in the Interest of Justice and for the Convenience of the Parties Pursuant to 28 U.S.C. § 1412 [Docket No. 660]

MATTERS IN ADVERSARY PROCEEDING 17-3105

2. Debtor's Motion for an Order (I) Preliminarily Enjoining Certain Actions Against Non-Debtors or, (II) in the Alternative, Declaring that the Automatic Stay Applies to Such Actions and (III) Granting a Temporary Restraining Order Pending a Full Hearing on the Motion [Adv. Pro. Docket No. 2]

Status: Argument on this matter was completed at a hearing conducted on November 9, 2018, after which this matter was continued by the Court. The hearing on this matter is going forward for the Court to issue its ruling.

Objection Deadline: By agreement of the parties, the deadline to object was extended to August 15, 2018 for the ACC, the legal representative for future asbestos claimants appointed in the Debtor's chapter 11 case (the "FCR") and the defendants in the above-captioned adversary proceeding.

Related Documents:

- A. Bestwall LLC's *Ex Parte* Motion for Relief From the Maximum Page Limit [Adv. Pro. Docket No. 3]
- B. Declaration of Tyler L. Woolson in Support of First Day Pleadings [Docket No. 2]
- C. Declaration of J. Joel Mercer, Jr. in Support of Debtor's Complaint to Extend or Apply the Automatic Stay and Related Motions [Adv. Pro. Docket No. 5]
- D. Order Regarding Bestwall LLC's *Ex Parte* Motion for Relief From the Maximum Page Limit [Adv. Pro. Docket No. 8]
- E. Temporary Restraining Order [Adv. Pro. Docket No. 18]
- F. Notice of Hearing [Adv. Pro. Docket No. 20]
- G. Notice of Agenda of Matters Scheduled for Hearing on December 5, 2017 [Adv. Pro. Docket No. 26]
- H. Agreed Order Regarding Debtor's Request for Extension or Application of the Automatic Stay to Certain Actions Against Non-Debtors [Adv. Pro. Docket No. 30]
- I. Second Agreed Order Regarding Debtor's Request for Extension or Application of the Automatic Stay to Certain Actions Against Non-Debtors [Adv. Pro. Docket No. 32]
- J. Third Agreed Order Regarding Debtor's Request for Extension or Application of the Automatic Stay to Certain Actions Against Non-Debtors [Adv. Pro. Docket No. 33]

- K. Fourth Agreed Order Regarding Debtor's Request for Extension or Application of the Automatic Stay to Certain Actions Against Non-Debtors [Adv. Pro. Docket No. 36]
- L. Notice of Rule 30(b)(6) Deposition of, and Request for Production of Documents From, Debtor Bestwall LLC [Adv. Pro. Docket No. 39]
- M. Notice of Third Party Subpoena for Testimony and Documents Directed to Georgia-Pacific LLC Pursuant to Bankruptcy Rules 7026, 7030(b)(6) and 9016, and Federal Rules of Civil Procedure 30(b)(6) and 45(b)(1) [Adv. Pro. Docket No. 40]
- N. Fifth Agreed Order Regarding Debtor's Request for Extension or Application of the Automatic Stay to Certain Actions Against Non-Debtors [Adv. Pro. Docket No. 41]
- O. Notice of Continuance of Rule 30(b)(6) Deposition [Adv. Pro. Docket No. 43]
- P. Notice of Continuance of Rule 30(b)(6) Deposition [Adv. Pro. Docket No. 44]
- Q. Notice of Extension of Time for Defendants to File Joinders or Similar Papers in the Above-Captioned Adversary Proceeding [Adv. Pro. Docket No. 45]
- R. *Ex Parte* Motion for Relief from the Maximum Page Limit [Adv. Pro Docket No. 46]
- S. Agreed Order Regarding Response of Future Claimants' Representative to Debtor's Request for Extension or Application of the Automatic Stay to Certain Actions Against Non-Debtors [Adv. Pro. Docket No. 48]
- T. Order Regarding Committee's *Ex Parte* Motion for Relief From the Maximum Page Limit [Adv. Pro. Docket No. 54]
- U. Order Continuing Hearings on Motion to Dismiss (Case No. 17-31795) and Preliminary Injunction Motion (Adversary Proceeding No. 17-3105) [Adv. Pro. Docket No. 90]
- V. Sixth Agreed Order Regarding Debtor's Request for Extension or Application of the Automatic Stay to Certain Actions Against Non-Debtors [Adv. Pro. Docket No. 91]
- W. Debtor's *Ex Parte* Motion Requesting Authority to Exceed Maximum Page Limit [Adv. Pro. Docket No. 93]
- X. Declaration of Gregory M. Gordon [Adv. Pro. Docket No. 95]
- Y. Georgia-Pacific LLC's *Ex Parte* Motion Requesting Authority to Exceed Maximum Page Limit [Adv. Pro. Docket No. 96]

- Z. Order Authorizing Georgia-Pacific LLC to Exceed Maximum Page Limit [Adv. Pro. Docket No. 99]
- AA. Order Authorizing Debtor to Exceed Maximum Page Limit [Adv. Pro. Docket No. 100]
- BB. Notice of Filing [Adv. Pro. Docket No. 101]
- CC. Debtor's Submission in Lieu of Live Testimony [Adv. Pro. Docket No. 104]
- DD. Notice of Filing [Adv. Pro. Docket No. 105]
- EE. *Ex Parte* Motion for Relief From the Maximum Page Limit [Adv. Pro. Docket No. 108]
- FF. Order Regarding Committee's *Ex Parte* Motion for Relief From the Maximum Page Limit [Adv. Pro. Docket No. 111]
- GG. Notice of Filing Annex 2 to Debtor's Submission in Lieu of Live Testimony [Adv. Pro. Docket No. 112]
- HH. Notice of Filing Annotated Preliminary Injunction Motion and Reply [Adv. Pro. Docket No. 113]
- II. Notice of Filing [Adv. Pro. Docket No. 115]
- JJ. Annotated FCR Objection [Adv. Pro. Docket No. 116]
- KK. Notice of Filing Annotated Reply by Georgia-Pacific LLC [Adv. Pro. Docket No. 117]
- LL. Notice of Filing of Annotated Objection of the Official Committee of Asbestos Claimants to the Debtor's Motion for an Order (I) Preliminarily Enjoining Certain Actions Against Non-Debtors, or (II) in the Alternative, Declaring that the Automatic Stay Applies to Such Actions and (III) Granting a Temporary Restraining Order Pending a Full Hearing on the Motion [Adv. Pro. Docket No. 118]
- MM. Seventh Agreed Order Regarding Debtor's Request for Extension or Application of the Automatic Stay to Certain Actions Against Non-Debtors [Adv. Pro. Docket No. 125]

Responses Received:

- A. Objection of the Official Committee of Asbestos Claimants to the Debtor's Motion for an Order (I) Preliminarily Enjoining Certain Actions Against Non-Debtors, or (II) in the Alternative, Declaring that the Automatic Stay Applies to

Such Actions and (III) Granting a Temporary Restraining Order Pending a Full Hearing on the Motion [Adv. Pro. Docket No. 47] (the “ACC Objection”)

- B. Future Claimants’ Representative’s Objection to Debtor’s Motion for an Order (I) Preliminarily Enjoining Certain Actions Against Non-Debtors, or (II) in the Alternative, Declaring that the Automatic Stay Applies to Such Actions and (III) Granting a Temporary Restraining Order Pending a Full Hearing on the Motion [Adv. Pro. Docket No. 49] (the “FCR Objection”)
- C. Joinders to the ACC Objection and the FCR Objection [Adv. Pro. Docket Nos. 51, 52, 56-85; Chapter 11 Case Docket Nos. 525, 526]
- D. Consolidated Reply of the Debtor to Objections of Official Committee of Asbestos Claimants and Future Claimants’ Representative to Debtor’s Motion for Preliminary Injunction or, in the Alternative, Application of the Automatic Stay [Adv. Pro. Docket No. 94]
- E. Georgia-Pacific LLC’s Reply to the Objections of the Official Committee of Asbestos Claimants and the Future Claimants’ Representative to the Debtor’s Motion for an Order (I) Preliminarily Enjoining Certain Actions Against Non-Debtors, or (II) in the Alternative, Declaring that the Automatic Stay Applies to Such Actions [Adv. Pro. Docket No. 97]
- F. Consolidated Sur-Reply of the Official Committee of Asbestos Claimants Further Objecting to the Debtor’s Motion for an Order (I) Preliminarily Enjoining Certain Actions Against Non-Debtors, or (II) in the Alternative, Declaring that the Automatic Stay Applies to Such Actions and (III) Granting a Temporary Restraining Order Pending a Full Hearing on the Motion [Adv. Pro. Docket No. 109]
- G. Future Claimants’ Representative’s Sur-Reply to the Consolidated Reply of the Debtor to Objections of Official Committee of Asbestos Claimants and Future Claimants’ Representative to Debtor’s Motion for Preliminary Injunction or, in the Alternative, Application of the Automatic Stay [Adv. Pro. Docket No. 110]

Dated: January 22, 2019
Charlotte, North Carolina

Respectfully submitted,

/s/ Garland S. Cassada

Garland S. Cassada (NC Bar No. 12352)
David M. Schilli (NC Bar No. 17989)
Andrew W.J. Tarr (NC Bar No. 31827)
ROBINSON, BRADSHAW & HINSON, P.A.
101 North Tryon Street, Suite 1900
Charlotte, North Carolina 28246
Telephone: (704) 377-2536
Facsimile: (704) 378-4000
E-mail: gcassada@robinsonbradshaw.com
dschilli@robinsonbradshaw.com
atarr@robinsonbradshaw.com

Gregory M. Gordon (TX Bar No. 08435300)
Daniel B. Prieto (TX Bar No. 24048744)
JONES DAY
2727 North Harwood Street, Suite 500
Dallas, Texas 75201
Telephone: (214) 220-3939
Facsimile: (214) 969-5100
E-mail: gmgordon@jonesday.com
dbprieto@jonesday.com
(Admitted *pro hac vice*)

Jeffrey B. Ellman (GA Bar No. 141828)
Brad B. Erens (IL Bar No. 06206864)
JONES DAY
1420 Peachtree Street, N.E., Suite 800
Atlanta, Georgia 30309
Telephone: (404) 581-3939
Facsimile: (404) 581-8330
E-mail: jbellman@jonesday.com
bberens@jonesday.com
(Admitted *pro hac vice*)

ATTORNEYS FOR PLAINTIFF/DEBTOR
AND DEBTOR IN POSSESSION