



U.S. Department of Justice
Office of the United States Trustee
J. Caleb Boggs Federal Building & Courthouse
844 N. King Street, Room 2207
Wilmington, DE 19801
Telephone (302) 573-6491
Fax (302) 573-6497
Richard.schepacarter@usdoj.gov

January 7, 2020

To: All Parties on the Attached Service List

Re: Paddock Enterprises, LLC
Case No. 20-10028 (LSS)

Dear Sir or Madam:

Paddock Enterprises, LLC and certain of its affiliates filed voluntary petitions for relief under Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the District of Delaware. Section 1102(a) of the Bankruptcy Code authorizes the United States Trustee to appoint an Official Committee of Asbestos Claimants composed of persons who assert asbestos-related claims against the debtor (“Asbestos Claimants’ Committee”).

The debtors have provided the United States Trustee with information that you represent one or more clients with asbestos-related claims against the debtors. Please forward the attached official committee solicitation package to each of your clients with claims against the debtors as soon as possible. Completed forms for those interested in being appointed are due to this office no later than February 1, 2019. Among other requirements, “the United States Trustee seeks creditor members who will actively participate” in the committee. United States Trustee Manual, Vol. 3, ¶ 3—4.5.3 (Ch. 11 Case Administration), available at https://www.justice.gov/ust/file/volume_3_chapter_11_case_administration.pdf/download

Please be advised that the United States Trustee will hold a meeting to form an Asbestos Claimants’ Committee on **Thursday, January 16, 2020 @ 10:00 am.** at the Doubletree Hotel, 700 N. King Street, Wilmington, DE 19801.

If you prefer that we contact your client directly regarding committee service, please so advise this office as soon as possible and provide a mailing address and e-mail address.

Sincerely,

/s/Richard L. Schepacarter
Trial Attorney

Attachments

- D.** Would your schedule permit you to actively participate on the committee by attending weekly meetings (either by telephone or in person)? Yes () No ()

LITIGATION HISTORY

- E.** Have you ever filed an asbestos-related lawsuit against the debtor?

Yes () No () Don't know ()

1. If yes, list the court, filing date, and docket number: _____
2. How many companies, including the debtor, are you currently suing for asbestos-related injuries? _____

- F.** Do you have a judgment against, or a settlement with, the debtor (regardless of whether the settlement is subject to further approval)?

Yes () No () Don't know ()

1. If yes, amount of the judgment or settlement (U.S. \$) _____
2. If yes, is any portion of the judgment or settlement secured or entitled to 11 U.S.C. §503(b) treatment as an administrative expense?
Yes () No () Don't know ()
3. If yes, has any portion of that judgment or settlement been paid to you?
Yes () No () Don't know ()

- G.** Have you ever sought compensation from a trust for asbestos-related injuries?

Yes () No () Don't know ()

1. If yes, list each trust to which you have made a claim and the current status of that claim (paid, withdrawn/denied, pending). Attach additional pages if necessary.

H. Have you ever served, or are you now serving, on an official committee of creditors or an official committee of asbestos claimants in a chapter 11 bankruptcy case?

Yes () No () Don't know ()

1. If so, list all cases in which you have been appointed to serve on an official committee or asbestos claimants' committee.

CLAIM INFORMATION

I. What is the most serious disease or highest disease category for which you are asserting an asbestos-related personal injury claim? _____

J. Describe the nature of your asbestos-related claim against the debtor, including the asbestos-related product(s) to which you allege you were exposed and the approximate dates and locations where such exposure occurred, if known.

OTHER REPRESENTATIONS

1. Are you “affiliated” with the debtor within the meaning of Section 101(2) of the Bankruptcy Code, a shareholder of the debtor, or related to the debtor(s)?

Yes () No ()

If a shareholder, state the number of shares: _____

2. Are you or have you ever been an officer, director, agent, representative, or employee of the debtor(s)?

Yes () No () Does your claim arise from this relationship? Yes () No ()

3. If you have given a proxy or power of attorney to a third party either to represent you at the creditors’ committee formation meeting, or in connection with your claim, please attach a copy of the written proxy or power of attorney. If a professional person has arranged for someone to hold a proxy or power of attorney on your behalf, please identify that individual: _____

4. Have you executed a plan support agreement, restructuring support agreement, intercreditor agreement, or other agreement that would restrict your ability to take particular actions in this bankruptcy case, or has any such agreement been executed on your behalf? Yes () No ()

You may attach a written statement to explain or supplement any responses.

Creditors wishing to serve as fiduciaries on an official committee are advised that they may not purchase, sell or otherwise trade in or transfer claims against the debtor while they are committee members absent an order of the court on application of the creditor.

Please be advised that once a committee is formed, the United States Trustee will file a notice of appointment in the court record that contains contact information for any creditor appointed, including the creditor’s name, address, and telephone number.

Privacy Act Statement. 11 U.S.C. § 1102 authorizes the collection of this information. The information will be used by the United States Trustee to determine your qualifications for appointment to the Committee. Disclosure of this information may be to a bankruptcy trustee or examiner when the information is needed to perform the trustee’s or examiner’s duties, or to the appropriate federal, state, local, regulatory, tribal, or foreign law enforcement agency when the information indicates a violation or potential violation of law. Other disclosures may be made for routine purposes. For a discussion of the types of routine disclosures that may be made, you may consult the Executive Office for United States Trustee’s systems of records notice, UST-001,

“Bankruptcy Case Files and Associated Records.” See 71 Fed. Reg. 59,818 et seq. (Oct. 11, 2006). A copy of the notice may be obtained at the following link: http://www.justice.gov/ust/eo/rules_regulations/index.htm. Your disclosure of information is voluntary; however, failure to provide the requested information may result in the rejection of your application to be appointed to the Committee.

CERTIFICATION

I hereby certify that, to the best of my knowledge and belief, the answers to this Questionnaire are true and correct. By executing this Questionnaire, I also agree to the restrictions and conditions set forth in the preceding paragraphs and in the Committee Information Sheet, and I agree to provide the periodic certifications upon the request of the United States Trustee.

Date: _____

Signature

Print Name

Title

**Note: This is not a proof of claim form. Proof of claim forms are filed with the Clerk of the Bankruptcy Court, not with the United States Trustee.*

ASBESTOS CLAIMANTS' COMMITTEE INFORMATION SHEET

Purpose of Asbestos Claimants' Committee. Section 1102(a)(1) of the Bankruptcy Code states that the United States Trustee "may appoint additional committees of creditors . . . as the United States trustee deems appropriate." Because asbestos claimants in bankruptcy cases often have interests that are distinct from those of general unsecured creditors, and because they are subject to several unique Bankruptcy Code provisions that are not applicable to other kinds of creditors, it is often appropriate to appoint an additional committee of asbestos claimants to represent those interests. The debtor has filed a list indicating that you have asserted an asbestos-related claim against the debtor, and for that reason, you may be eligible to serve on the Asbestos Claimants' Committee.

Powers and Duties of Asbestos Claimants' Committee. Members of the Asbestos Claimants' Committee are fiduciaries who represent all persons with asbestos-related claims against the debtor. Section 1103 of the Bankruptcy Code provides that the Asbestos Claimants' Committee may consult with the debtor, investigate the debtor and its business operations, and participate in the formulation of a plan of reorganization. The Asbestos Claimants' Committee may also perform such other services as are in the interests of the asbestos claimants which it represents. Moreover, Federal Rule of Bankruptcy Procedure 2019, as amended, requires each member of an official committee to file a verified statement disclosing his or her name, address, and the nature and amount of each "disclosable economic interest" held in relation to the debtor on the date the committee was formed. Rule 2019 also requires the committee to file a verified supplemental statement updating the earlier information (if information previously disclosed has materially changed) when taking a position before the court or soliciting votes on a plan.

Employment of Professionals. Section 1103 of the Bankruptcy Code provides that the Asbestos Claimants' Committee may, subject to the bankruptcy court's approval, employ one or more attorneys, accountants, or other professionals to represent or perform services for the Asbestos Claimants' Committee. The decision to employ particular professionals should occur at a scheduled meeting of the Asbestos Claimants' Committee where a majority of the Asbestos Claimants' Committee is present. All professionals retained by the Asbestos Claimants' Committee may be compensated from assets of the debtor's estate pursuant to section 330 of the Bankruptcy Code. Applications for the payment of professional fees may be monitored by the Office of the United States Trustee and are subject to the Court's approval. However, the Asbestos Claimants' Committee should carefully review all applications and not rely on the Court or the United States Trustee to discover and object to unreasonable or unnecessary professional fees or costs.

Other Matters. The Asbestos Claimants' Committee should elect a chairperson and may adopt bylaws. As a party in interest, the Asbestos Claimants' Committee may be heard on any issue in the bankruptcy proceeding. Federal Bankruptcy Rule 2002(i) requires that the Asbestos

Claimants' Committee (or its authorized agent) receive all notices concerning motions and hearings in the bankruptcy proceeding.

In the event you are appointed to the Asbestos Claimants' Committee, the United States Trustee may require periodic certifications of your claims while the bankruptcy case is pending. Creditors wishing to serve as fiduciaries on any official committee are advised that they may not purchase, sell or otherwise trade in or transfer claims against the debtor while they are committee members absent an order of the Court. By submitting the enclosed Questionnaire and accepting membership on an official committee of creditors, you agree to this prohibition. The United States Trustee reserves the right to take appropriate action, including removing a creditor from any committee, if the information provided in the Questionnaire is inaccurate, if the foregoing prohibition is violated, or for any other reason the United States Trustee believes is proper in the exercise of his discretion. You are hereby notified that the United States Trustee may share this information with the Securities and Exchange Commission if deemed appropriate.

Privacy Act Statement. 11 U.S.C. § 1102 authorizes the collection of this information. The information will be used by the United States Trustee to determine your qualifications for appointment to the Asbestos Claimants' Committee. Disclosure of this information may be to a bankruptcy trustee or examiner when the information is needed to perform the trustee's or examiner's duties, or to the appropriate federal, state, local, regulatory, tribal, or foreign law enforcement agency when the information indicates a violation or potential violation of law. Other disclosures may be made for routine purposes. For a discussion of the types of routine disclosures that may be made, you may consult the Executive Office for United States Trustee's systems of records notice, UST-001, "Bankruptcy Case Files and Associated Records." See 71 Fed. Reg. 59,818 et seq. (Oct. 11, 2006). A copy of the notice may be obtained at the following link: http://www.justice.gov/ust/eo/rules_regulations/index.htm. Your disclosure of information is voluntary; however, failure to provide the requested information may result in the rejection of your application to be appointed to the Asbestos Claimants' Committee.

Should you have any additional questions concerning the Asbestos Claimants' Committee or your membership on the Asbestos Claimants' Committee, please contact the Office of the United States Trustee.