

Hearing Date: To Be Determined
Objection Deadline: December 1, 2025 at 4:00 p.m. (Prevailing Eastern Time)
Reply Deadline: December 8, 2025 at 4:00 p.m. (Prevailing Eastern Time)

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Counsel for the Asbestos Parties

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

_____	)	
In re	)	Chapter 15
	)	
ASBESTOS CORPORATION LIMITED,	)	Case No. 25-10934 (MG)
	)	
Debtor in a Foreign Proceeding.	)	
_____	)	

**NOTICE OF MOTION OF THE ASBESTOS PARTIES
TO ALTER OR AMEND THE JUDGMENT**

PLEASE TAKE NOTICE that on November 13, 2025, the Asbestos Parties,¹ by and through their undersigned counsel, filed the *Motion to Alter or Amend the Judgment* (the “Motion”).

PLEASE TAKE FURTHER NOTICE that any responses or objections (“Objections”) to the relief sought in the Motion shall be in writing, shall conform to the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules for the Southern District of New York, shall be filed with the Bankruptcy Court by (a) attorneys practicing in the Bankruptcy Court, including attorneys admitted *pro hac vice*, electronically in accordance with General Order M-399 (which can be found at www.nysb.uscourts.gov), and (b) all other parties in interest, on a CD-ROM, in text-searchable portable document format (PDF) (with a hard copy delivered directly to Chambers), in accordance with the customary practices of the Bankruptcy Court and General Order M-399, to the extent applicable, and served upon (i) counsel for the Asbestos Parties, (a) Cullen D. Speckhart, Esq., Michael Klein, Esq., and Jeremiah P. Ledwidge, Esq., Cooley LLP, 55 Hudson Yards, New York, New York 10001 (email: cspeckhart@cooley.com; mklein@cooley.com; jledwidge@cooley.com), (b) Matthew T. Richardson, Esq., Wyche, P.A., 807 Gervais Street, Suite 301, Columbia, South Carolina 29201 (email: mrichardson@wyche.com), and (c) Charles W. Branham, III, Esq., Dean Omar Branham Shirley, LLP, 1801 N. Lamar, Suite 300, Dallas, Texas 75201 (email: tbranham@dobslegal.com), and (ii) counsel for the Petitioner, Michael Trentin, Esq., Orrick, Herrington & Sutcliffe LLP, 51 West 52nd Street, New York, New York 10019 (email: ACLChapter15_OHS@orrick.com), so as to be

¹ The “Asbestos Parties” are Charles M. Forman, solely in his capacity as the Chapter 7 Trustee (the “Trustee”) for the bankruptcy estate of National Services Industries, Inc. (“NSI”) in connection with NSI’s Chapter 7 bankruptcy case pending in the United States Bankruptcy Court for the District of Delaware under case no. 12-12057 (MFW), along with certain individuals with personal injury claims pending against the above-captioned debtor, Asbestos Corporation Limited (“ACL”), based on disease caused by asbestos-contaminated products for which ACL is responsible set forth on Richardson Decl. Ex. 1 [ECF No. 76] (the “Asbestos Claimants”).

received by **December 1, 2025 at 4:00 p.m. (prevailing Eastern Time)** (the “Objection Deadline”).

PLEASE TAKE FURTHER NOTICE that any reply (“Reply”) in support of the Motion must be **filed by December 8, 2025 at 4:00 p.m. (prevailing Eastern Time)**.

PLEASE TAKE FURTHER NOTICE that after any Objections and Replies are filed, the Court will determine whether to schedule a hearing on the Motion. If an Objection to the Motion is not received by the Objection Deadline, the Court may enter an order granting the relief sought without further notice.

PLEASE TAKE FURTHER NOTICE that copies of the Motion and all other documents filed in this case can be accessed from the Court’s website, <http://ecf.nysb.uscourts.gov> (a PACER login and password are required to retrieve documents) or free of charge by visiting the website of the Petitioner’s information agent, Kroll Restructuring Administration LLC (the “Information Agent”), at <https://cases.ra.kroll.com/asbestoscorporation>, or by contacting the Information Agent by email, asbestoscorporationinfo@ra.kroll.com, or telephone, (888) 575-9701 (Toll-free) or (646) 937-7879 (International).

Dated: November 13, 2025

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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re)

ASBESTOS CORPORATION LIMITED,)

Debtor in a Foreign Proceeding.)

) Chapter 15

) Case No. 25-10934 (MG)

THE ASBESTOS PARTIES' MOTION TO ALTER OR AMEND THE JUDGMENT

Pursuant to Rule 59 of the Federal Rules of Civil Procedure, as made applicable to these proceedings by Rule 9023 of the Federal Rules of Bankruptcy Procedure, the Asbestos Parties,¹ through their undersigned counsel, hereby file this motion (the "Motion") seeking to amend the

¹ Capitalized terms not otherwise defined herein have the meanings ascribed to them in the *Verified Petition and Motion of the Foreign Representative for (A) Recognition of the CCAA Proceeding as a Foreign Main Proceeding or, in the Alternative, as a Foreign Nonmain Proceeding, and (B) Certain Related Relief* [ECF No. 4] (the "Recognition Motion") and the Asbestos Parties' objection to the Recognition Motion [ECF No. 75] (the "Objection"), as applicable.

Court's Order (I) Recognizing the CCAA Proceeding of Asbestos Corporation Limited as a Foreign Main Proceeding and (II) Granting Related Relief [ECF No. 142] (the "Order") to include a ruling on the admissibility of the transcript designations submitted as Exhibit 1 to the *Notice of Filing of Second Amended Transcript Designations* filed on October 14, 2025 [ECF No. 132] (the "Designations").

JURISDICTION AND VENUE

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, sections 109 and 1501 of the Bankruptcy Code and the *Amended Standing Order of Reference from the United States District Court for the Southern District of New York*, (S.D.N.Y. Feb. 2, 2012) (Preska, C.J.). Venue is proper in this Court under 28 U.S.C. § 1410. The predicate for the relief requested in this Motion is found in Federal Rule of Civil Procedure 59 ("Federal Rule 59"), Federal Rule of Bankruptcy Procedure 9023 ("Bankruptcy Rule 9023"), and Local Civil Rule 6.3.

RELEVANT BACKGROUND

2. This Court held an evidentiary hearing on the Recognition Motion on October 8 and 9, 2025.

3. Prior to the recognition hearing, the Asbestos Parties submitted portions of multiple deposition and hearing transcripts to be entered into evidence, designating specific page and line excerpts for the Court's consideration. The Foreign Representative and CLMI objected to several of the Asbestos Parties' designations and submitted counter-designations. The Asbestos Parties then objected to certain counter-designations and provided additional counter-counter-designations.

4. During the hearing, the Court and the parties agreed that finalized page and line designations would be submitted after the hearing for the Court to rule on the admissibility of the Designations:

MR. RICHARDSON: Your Honor. I'm not being clear. I apologize. We do have agreement about designations. There are some objections. All that's indicated in the highlighted designations.

THE COURT: Are there agreements as to the exhibits?

MR. BRANHAM: Yeah.

MR. RICHARDSON: And what I'm suggesting is the actual transcript that has been designated is an exhibit, and we're asking that that would be admitted.

THE COURT: Okay. I do not want to go through each of these exhibits unless I have to right now.

MR. BRANHAM: My understanding, Judge, is that we're going to submit, and then you will rule on objections and admit them as you see fit.

THE COURT: Correct.

Oct. 9, 2025 Hr'g Tr. 88:10–24 (emphasis added). *See also* Oct. 8, 2025 Hr'g Tr. 88:15–19 (discussing same process).

5. On October 14, 2025, the Foreign Representative filed the Designations.

6. On October 30, 2025, the Court issued the corrected *Memorandum Opinion Granting Motion for Recognition of Foreign Main Proceeding and Additional Relief and Overruling Asbestos Parties Objections* [ECF No. 141] (the "Opinion"). Also on October 30, 2025, the Court entered the Order. However, neither the Opinion nor the Order address the admissibility of the transcript Designations.

RELIEF REQUESTED

7. The Asbestos Parties respectfully request that the Court amend the Order to provide for the Court's ruling on the admissibility of the Designations.

BASIS FOR RELIEF REQUESTED

8. Under Federal Rule 59(e), made applicable to these proceedings by Bankruptcy Rule 9023, a party may ask a court to alter or amend its judgment. Fed. R. Civ. P. 59(e); Fed. R. Bankr. P. 9023. Relief under Federal Rule 59(e) is appropriate in limited circumstances where the court has committed a clear error of law or fact, where newly discovered evidence warrants a different outcome, or where reconsideration of the order is necessary to prevent manifest injustice. *In re Emmons-Sheepshead Bay Dev. LLC*, 518 B.R. 212, 220 (E.D.N.Y. 2014).

9. A motion to alter or amend is not intended to be a “second bite at the apple” or serve as a vehicle to relitigate issues already presented. *Analytical Survs., Inc. v. Tonga Partners, L.P.*, 684 F.3d 36, 52 (2d Cir. 2012). Nor may it be used to raise new arguments or present evidence that could have been offered prior to the court’s ruling. *Banister v. Davis*, 590 U.S. 504, 508 (2020). Rather, Rule 59(e) serves a “corrective function,” whereby courts may reconsider matters “properly encompassed” in the original decision that are “tightly tied to the underlying judgment.” *Id.*

10. In this District, such motions are governed by Local Civil Rule 6.3, which imposes the same substantive standards as Federal Rule 59(e). *See, e.g., R.F.M.A.S., Inc. v. Mimi So*, 640 F. Supp. 2d 506, 508 (S.D.N.Y. 2009). Parties may move for Rule 59(e) relief within fourteen days from the entry of the applicable order. *See* Fed. R. Bankr. P. 9023(b), Fed. R. Civ. P. 59(e).

11. Through this Motion, the Asbestos Parties do not seek to present new arguments or evidence to this Court, nor do they attempt to relitigate issues already decided in the Order. Rather, the Asbestos Parties respectfully request that the Court correct an omission in its evidentiary ruling—an omission that is closely connected to the Order. Courts have held that Rule 59(e) relief

is appropriate where the court inadvertently fails to address an issue properly raised by the parties. *See e.g., Sanluis Devs., L.L.C. v. CCP Sanluis, L.L.C.*, 556 F. Supp. 2d 329, 332 (S.D.N.Y. 2008).

12. This omission creates a critical gap in the record. If left unaddressed, that gap would prejudice the Asbestos Parties by rendering the record incomplete, an outcome that would work a manifest injustice. Correcting this omission will ensure that the record accurately reflects the issues presented and decided, thereby preserving the integrity of these proceedings.

CONCLUSION

13. For the foregoing reasons, the Asbestos Parties respectfully request that the Court amend the Order to rule on the admissibility of the Designations.

[Signature page follows]

Dated: November 13, 2025

Respectfully submitted,

/s/ Cullen D. Speckhart

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