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

In re

ASBESTOS CORPORATION LIMITED,

Debtor in a Foreign Proceeding.

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Chapter 15

Case No. 25-10934 (MG)

**APPELLANT’S STATEMENT OF ISSUES
AND DESIGNATION OF RECORD ON APPEAL**

Pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure, Appellant, the Asbestos Parties,¹ by and through its undersigned counsel, hereby submits the following statement

¹ The Asbestos Parties are Charles M. Forman, solely in his capacity as the Chapter 7 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 Court for the District of Delaware under case no. 12-12057 (MFW), along with certain

of issues, designation of items to be included on the record on appeal, and certification regarding transcripts (this “Statement of Issues and Designation of Record on Appeal”) with respect to the *Amended Notice of Appeal* [Docket No. 145] (the “Amended Notice of Appeal”). As set forth in the Amended Notice of Appeal, Appellant appeals from the *Memorandum Opinion Granting Motion for Recognition of Foreign Main Proceeding and Additional Relief and Overruling Asbestos Parties Objections* [Dkt. No. 141] entered October 30, 2025, and *Order Recognizing the CCAA Proceeding of Asbestos Corporation Limited as a Foreign Main Proceeding and Granting Related Relief* [Dkt. No. 142] entered October 30, 2025 following the evidentiary hearing conducted on October 8, 2025 and October 9, 2025 (the “Recognition Hearing”).

STATEMENT OF ISSUES ON APPEAL

1. Whether the bankruptcy court erred in recognizing Asbestos Corporation Limited’s Companies’ Creditors Arrangement Act proceeding (the “CCAA Proceeding”) as a foreign main proceeding, and in alternatively finding that the CCAA Proceeding would qualify as a foreign non-main proceeding.
2. Whether the bankruptcy court erred in extending an automatic stay to non-debtor third parties.

DESIGNATION OF RECORD ON APPEAL

The Asbestos Parties respectfully designate the following items for the appellate record pursuant to Rule 8009(a) of the Federal Rules of Bankruptcy Procedure. Each designated item shall include all exhibits and/or attachments to such item, as set forth in the following tables:

A. Docket Entries Kept by the Bankruptcy Clerk

Bankr. ECF Dkt. No.	Date Entered	Document Description
1	May 6, 2025	Chapter 15 Petition for Recognition of Foreign Proceeding

individuals with personal injury claims pending against the above-captioned Chapter 15 Debtor, Asbestos Corporation Limited (“ACL”).

Bankr. ECF Dkt. No.	Date Entered	Document Description
2	May 6, 2025	Declaration of Ayman Chaaban
3	May 6, 2025	Declaration of Alain N. Tardif
4	May 6, 2025	Motion to Approve 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
8	May 6, 2025	Temporary Restraining Order (TRO)
9	May 7, 2025	The Foreign Representative's Motion for Provision Relief under 11 U.S.C. Section 1519
14	May 8, 2025	Notice of Filing Rectified Canadian Order
17	May 12, 2025	Transcript regarding Hearing Held on May 6, 2025 at 9:47 PM RE: Zoom Hearing RE: TRO
23	May 14, 2025	The Receiver's Response to Motion for (I) Ex Parte Emergency Relief and (II) Provisional Relief Pursuant to 11 U.S.C. §§ 1519, 362 and 105(a)
31	May 16, 2025	Reply to Motion for (I) EX PARTE Emergency Relief and (II) Provisional Relief Pursuant to 11 U.S.C. §§ 1519, 361 AND 105
32	May 16, 2025	The Foreign Representative's First Status Report
37	May 20, 2025	Order Granting Motion for Provisional Relief under Section 1519
38	May 21, 2025	Notice of Filing <i>Welch v. Advanced Auto Parts, Inc.</i> Opinion, Case No. 2023-001096 (S.C. Sup. Ct. filed May 21, 2025)
39	May 21, 2025	Transcript regarding Hearing Held on 5/19/2025 at 10:01 AM RE: Order to show cause why the Provisional Relief Order extending the stay relief Should be Extended
66	August 11, 2025	The Foreign Representative's Second Status Report
67	August 19, 2025	Supplemental Declaration Of Ayman Chaaban In Support Of Verified Petition Pursuant To 28 U.S.C. § 1746
68	August 19, 2025	Declaration of Thomas Ryan Pursuant to 28 U.S.C. § 1746
74	August 29, 2025	The Foreign Representative's Third Status Report
75	September 2, 2025	Objection of the Asbestos Parties to the Verified Petition and Motion of 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
76	September 2, 2025	Declaration of Matthew T. Richardson in Support of Objection of the Asbestos Parties to the Verified Petition and Motion of 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
81	September 9, 2025	Reply to Motion to Approve 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

Bankr. ECF Dkt. No.	Date Entered	Document Description
82	September 9, 2025	Reply Declaration of Alain N. Tardif in Further Support of Motion to Approve 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
83	September 9, 2025	CLMI's Joinder and Reply Memorandum in Support of the Verified Petition and Motion of 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
85	September 9, 2025	Statement of General Dynamics Corporation in Support of the Verified Petition and Motion of 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
88	September 9, 2025	The Foreign Representative's Fourth Status Report
96	September 24, 2025	Statement Confidentiality Agreement and Joint Stipulation Discovery Coordination and Protective Order
97	September 24, 2025	Motion in Limine to Exclude the Prior Deposition Testimony of Andre LaChance
98	September 24, 2025	Declaration of Daniel A. Rubens in Support of Motion in Limine to Exclude the Prior Deposition Testimony of Andre LaChance
99	September 24, 2025	The Asbestos Parties' Motion to Strike the Declarations of the Foreign Representative for Asbestos Corporation Limited and to Limit the Testimony of the Foreign Representative to His Personal Knowledge
100	September 24, 2025	The Asbestos Parties' Motion to Strike the Declaration of Thomas Ryan and to Limit Mr. Ryan's Testimony
106	October 1, 2025	The Asbestos Parties' Opposition to the Foreign Representative's Motion in Limine to Exclude the Prior Deposition Testimony of Andre LaChance
109	October 1, 2025	The Foreign Representative's Opposition to Asbestos Parties' Motion to Strike the Declarations of the Foreign Representative and to Limit the Testimony of the Foreign Representative to his Personal Knowledge
110	October 1, 2025	CLMI's Response and Objection to the Asbestos Parties' Motion to Strike the Declaration of Thomas Ryan and to Limit Mr. Ryan's Testimony
111	October 1, 2025	Joint Notice of Proposed Order Re: Pretrial Order
120	October 6, 2025	The Foreign Representative's Fifth Status Report
127	October 7, 2025	Order Ruling on Motions in Limine

Bankr. ECF Dkt. No.	Date Entered	Document Description
132	October 14, 2025	Notice of Filing Second Amended Transcript Designations
135	October 16, 2025	CLMI's Motion for an Order (I) Granting Permission to Redact Exhibits to Recognition Hearing and (II) Granting Related Relief
136	October 21, 2025	Order (I) Granting CLMI's Motion for an Order Granting Permission to Redact Exhibits to Recognition Hearing and (II) Granting Related Relief
139	October 28, 2025	Transcript regarding Hearing Held on 10/8/2025 and 10/9/2025 HYBRID HEARING on Verified Petition of ACL
141	October 30, 2025	Memorandum Opinion Granting Motion for Recognition of Foreign Main Proceeding and Additional Relief and Overruling Asbestos Parties Objections
142	October 30, 2025	Order (I) Recognizing the CCAA Proceeding of ACL as a Foreign Main Proceeding and (II) Granting Related Relief
144	November 11, 2025	Notice of Appeal and Statement of Election
145	November 13, 2025	Amended Notice of Appeal and Statement of Election
146	November 13, 2025	The Asbestos Parties' Motion to Alter or Amend the Judgment
148	December 1, 2025	The Foreign Representative's Response to Asbestos Parties' Motion to Alter or Amend the Judgment
149	December 1, 2025	Joinder of CLMI to the Foreign Representative's Response to Asbestos Parties' Motion to Alter or Amend the Judgment
152	December 8, 2025	The Asbestos Parties' Reply in Support of Motion to Alter or Amend the Judgment
155	January 12, 2026	The Foreign Representative's Sixth Status Report
157	January 16, 2026	Order Denying Asbestos Parties' Motion to Alter or Amend

B. Exhibits of the Asbestos Parties for the Recognition Hearing

Exhibit No.	Date	Document Description	Under Seal
APX2		List of the individual asbestos personal injury claimants who, in conjunction with Charles M. Forman as the Chapter 7 Trustee for National Services Industries, Inc., constitute the Asbestos Parties	
APX3	June 10, 2024	Deposition of Andre LaChance in <i>Kotzerke v. 3M Company</i> , Superior Court for the State of Washington,	

Exhibit No.	Date	Document Description	Under Seal
		Pierce County, Case No. 23-2-05287-6	
APX4	April 22, 2025	Transcript of the Hearing on the Trustee's Motion to Remand in <i>Forman v. Asbestos Corporation Limited</i> , Case No. 3:24-CV-7284-SAL (D.S.C.)	
APX5	June 17, 2025 – June 18, 2025	English translation of the hearing conducted in Quebec, Canada in the CCAA Proceeding	
APX7	May 19, 2025	English Translation of the Hearing Conducted in Quebec, Canada in the CCAA Proceeding and containing the testimony of Thomas Ryan, President of Resolute Management, Inc.	
APX9	December 13, 2024	Motion to Transfer Venue to the U.S. Bankruptcy Court for the District of Delaware filed by CLMI in <i>Forman v. ACL</i> , Case No. 3:24-CV-7284-SAL (D.S.C.)	
APX13	April 3, 2025	Judgment on Verdict Entered in <i>Kotzerke v. 3M Company</i> , Superior Court for the State of Washington, Pierce County, Cause No. 23-2-05287-6	
APX14	September 7, 2023	Order on Plaintiff's Motion to Appoint a Receiver in <i>Tibbs v. 3M Co.</i> , No. 2023-CP-40-01759 (S.C. Ct. Comm. Pleas)	
APX29	2022	ACL Annual Report 2022	
APX44	October 16, 2024	Letter from Richard DuFour to James Parker	
APX65	January 10, 2024	Affidavit of Richard DuFour in <i>Kotzerke v. 3M Co.</i> , Superior Court for the State of Washington, Pierce County, No. 23-2-05287-6	
APX67	January 7, 1999	Deposition Transcript of Richard DuFour in <i>Bishop v. Owens Corning, et al.</i> , No. 607734-9 (Cal. Super. Ct.)	
APX68	January 8, 1999	Deposition Transcript of Richard DuFour in <i>Bishop v. Owens Corning, et al.</i> , No. 607734-9 (Cal. Super. Ct.)	
APX70	September 26, 2014	Deposition Transcript of Richard DuFour in <i>Adams v. Asbestos</i>	

Exhibit No.	Date	Document Description	Under Seal
		<i>Corporation Limited, et al.</i> , No. RG14718404 (Cal. Super. Ct.)	
APX75		NEX Board Policy effective June 23, 2022	
APX76	May 5, 2025	Initial Application filed by CLMI in CCAA Proceeding	
APX82	April 25, 2025	ACL Notice of Annual Shareholders Meeting	
APX83	February 15, 2023	Letter including Summary of Claims Settled, Dismissed, and Pending	
APX84	May 7, 2025	Press Release from ACL	
APX85	March 10, 2025	Guy Berard Six Declarations filed in <i>Long v. Armstrong International</i> , No. 23-CV-27457 (Or. Cir. Ct.)	
APX86	November 29, 2011	Email with Exhibit Providing Information Regarding ACL's Insurance Limits	Redacted Pursuant to October 21, 2025 Order of the Bankruptcy Court [Dkt. No. 136]
APX87	September 17, 1980	Letter to General Dynamics Enclosing Copy of Eighth Layer of CLMI's Policies	
APX88	March 27, 2023	Sanctions Order Entered Against ACL in South Carolina	
APX89	August 24, 1998	Interim Financing Agreement	Redacted Pursuant to October 21, 2025 Order of the Bankruptcy Court [Dkt. No. 136]

CERTIFICATION REGARDING TRANSCRIPTS

Pursuant to Rule 8009(b)(1) of the Federal Rules of Bankruptcy Procedure, Appellant hereby certifies that it is not ordering any transcripts. All transcripts have been prepared, are on the docket, and are designated in the foregoing designation of the record.

RESERVATION OF RIGHTS

The Asbestos Parties expressly reserve the right to: (i) withdraw, supplement, amend or modify this Statement of Issues and Designation of Record on Appeal; and (ii) pursuant to Rule 8009(e) of the Federal Rules of Bankruptcy Procedure, move to strike any items included by the

Appellees in a designation of additional items. This filing is made expressly subject to, and without waiver of any and all rights, remedies, challenges, and objections.

Dated: January 30, 2026

Respectfully submitted,

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