

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

IN RE:

CYPRUS MINES CORPORATION,

Debtor.

Chapter 11

Case No. 21-10398

Re: Docket No. 5

**INTERIM ORDER (I) AUTHORIZING THE LISTING OF ADDRESSES
OF COUNSEL FOR TALC CLAIMANTS IN THE CREDITOR MATRIX
IN LIEU OF CLAIMANTS' ADDRESSES, (II) AUTHORIZING SERVICE
TO COUNSEL FOR TALC CLAIMANTS IN LIEU OF PERSONAL SERVICE
TO CLAIMANTS, AND (III) AUTHORIZING THE LISTING OF THE LAW
FIRMS THAT REPRESENT THE GREATEST NUMBER OF TALC CLAIMANTS**

Upon the *Debtor's Motion for Interim and Final Orders (I) Authorizing the Listing of Addresses of Counsel for Talc Claimants in the Creditor Matrix in Lieu of Talc Claimants' Addresses, (II) Approving Certain Notice Procedures for Talc Claimants, and (III) Authorizing the Filing of a List of the Law Firms Representing the Largest Numbers of Talc Claimants* (the "Motion");¹ filed by the above-captioned debtor (the "Debtor"); and the Court having reviewed the Motion and the First Day Declaration; and having heard the statements of counsel at the hearing on the Motion; and the Court finding that: (i) the Court has jurisdiction over the Debtor, its estate, property of the estate, and this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference from the United States District Court for the District of Delaware*, dated February 29, 2012; (ii) the Court may enter a final order consistent with Article III of the United States Constitution; (iii) this is a core proceeding under 28 U.S.C. § 157(b)(2)(A); (iv) venue of the Motion in this district is proper under 28 U.S.C. §§ 1408 and 1409; (v) notice of the Motion and the hearing thereon was sufficient under the circumstances; (vi) the relief sought in the Motion is in the best interests of the Debtor, its estate, creditors, and

¹ Capitalized terms used but not defined in this Interim Order have the meanings given in the Motion.

all parties in interest; and (vii) the legal and factual bases set forth in the Motion and the First Day Declaration establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, and after due deliberation and sufficient cause appearing therefor, the Court finds that, pursuant to section 105(a), Bankruptcy Rule 2002(m) and the Local Rules, the Talc Claimants Notice Procedures (a) provide for adequate notice to the Talc Claimants with respect to entry of this Interim Order and notice of the Final Hearing (as defined below), (b) are reasonable and appropriate under the circumstances, and (c) are reasonably calculated, under all the circumstances, to apprise the Talc Claimants of noticed matters and afford them an opportunity to be heard thereon. Now, therefore, it is hereby

ORDERED THAT:

1. The Motion is **GRANTED** on an interim basis, as set forth herein.
2. Pursuant to section 105(a) of the Bankruptcy Code, the Debtor is authorized, on an interim basis, to implement the Talc Claimants Notice Procedures as set forth herein.
3. The Debtor (or its agent) will (a) list on the creditor matrix the name and address of each Talc Claimant whose personal address is known to the Debtor, and separately list the name and address of such Talc Claimant's known counsel and (b) with respect to those Talc Claimants whose personal addresses are not known to the Debtor, list on the creditor matrix, the names of each such Talc Claimant, followed by the name and address of known counsel of record for such Talc Claimant, in lieu of the address of the Talc Claimant. As to those Talc Claimants whose personal addresses are known to the Debtor, the Debtor shall send required notices, mailings, and other communications related to the Chapter 11 Case to such Talc Claimants at their personal addresses, as well as to their known counsel. As to those Talc Claimants whose personal addresses are not known to the Debtor, the Debtor shall send required notices, mailings, and other

communications related to the Chapter 11 Case to such known counsel of record for the Talc Claimants in lieu of sending such communications to the Talc Claimants themselves; *provided* that the Debtor will (or direct its agent to) send required notices, mailings, and other communications directly to any Talc Claimants who so request such direct notice from the Debtor in writing and provide the Debtor with their address, or who file a request for notice under Bankruptcy Rule 2002; and *provided further* that the Debtor may remove any Talc Claimant's personal address from the creditor matrix if directed to do so in writing by such Talc Claimant's counsel and, in such case, send required notices, mailings, and other communications related to the Chapter 11 Case to such known counsel of record for such Talc Claimant in lieu of sending such communications to such Talc Claimant directly.

4. Notwithstanding the foregoing, the Debtor is not required to search for or inquire about any personal addresses of Talc Claimants that are not available to the Debtor in the Debtor's own books and records.

5. The listing of addresses in the Debtor's creditor matrix as set forth in paragraph 3 of this Interim Order shall satisfy the Debtor's obligations with respect to the Talc Claimants pursuant to Bankruptcy Rule 1007(a)(1) and the Local Rules.

6. For a law firm representing multiple Talc Claimants, the Debtor may serve each document only a single time on such law firm (at each relevant address) on behalf of all of such counsel's clients; *provided that* any notice or other document relating specifically to one or more particular Talc Claimant (rather than all Talc Claimants represented by a law firm) shall clearly identify such parties.

7. The Debtor is authorized, on an interim basis, to file a list of the law firms with the most significant Talc Claimant representation as determined by the volume and the type of Talc Personal Injury Claims asserted against the Debtor.

8. Subject to entry of a Final Order on the Motion, and except as provided by subsequent order of the Court, the Debtor is not required to provide further notice to Talc Claimants beyond the notice set forth in this Interim Order.

9. The Debtor is authorized and empowered to take all actions necessary to implement the relief granted in this Interim Order.

10. The Court shall retain jurisdiction with respect to all matters arising from or related to the implementation and/or interpretations of this Interim Order.

11. The final hearing (the "Final Hearing") on the Motion shall be held on March 12, 2021, at 10:00 a.m., prevailing Eastern Time. On or before 4:00 p.m., prevailing Eastern Time, on March 5, 2021, any objections or responses to entry of a Final Order on the Motion shall be filed with this Court, and served on: (i) proposed counsel to the Debtor, Reed Smith LLP, Reed Smith Centre, 225 Fifth Avenue, Suite 1200, Pittsburgh, PA 15222 (Attn: Paul M. Singer, Esq. and Luke A. Sizemore, Esq.) and Reed Smith LLP, 1201 North Market Street, Suite 1500, Wilmington, DE 19801 (Attn: Kurt F. Gwynne, Esq.); (ii) the Office of the United States Trustee, J. Caleb Boggs Federal Building, 844 King Street, Suite 2207 Lockbox 35, Wilmington, DE 19801 (Attn: Juliet Sarkessian, Esq. and Linda Richenderfer, Esq.); (iii) counsel to the any statutorily appointed committee; and (iv) counsel to any future claimants' representative appointed in this Chapter 11 Case.

Dated: February 17th, 2021
Wilmington, Delaware


LAURIE SELBER SILVERSTEIN
UNITED STATES BANKRUPTCY JUDGE