

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

Robin L Moore et al
Plaintiff/Petitioner(s)
VS.
A.H.Voss Company et al
Defendant/Respondent
(s)

No. RG21112710

Date: 09/23/2025

Time: 3:00 PM

Dept: 18

Judge: Patrick McKinney

ORDER re: Hearing on Motion to
Compel Proof of Claim
Issue; filed by CNH
Industrial America, LLC
(Defendant) CRS#
591415310645 filed by
David Lee Amell (Lead
Attorney) on 09/10/2025

The Motion to Compel DEFENDANT CNH INDUSTRIAL AMERICA LLC'S NOTICE OF MOTION AND MOTION TO COMPEL COMPLETION OF BANKRUPTCY CLAIMS AND DISCLOSURE OF CLAIM INFORMATION BEFORE TRIAL filed by CNH Industrial America, LLC on 08/27/2025 is Granted in Part.

Defendant CNH Industrial America LLC's ("Defendant") Motion to Compel Plaintiffs' Completion or Bankruptcy Claims and Disclosure of Claim Information before Trial is GRANTED IN PART and DENIED IN PART, as set forth below.

Defendant cites to no statutory or case law basis for its request that Plaintiff complete and submit "substantive" claims to bankruptcy trusts where Plaintiff has admitted in Opposition that they have submitted "place holder" claims to approximately forty (40) bankruptcy trusts in order to preserve Plaintiffs' rights to submit substantive claims at a later date. Purported prejudice to Defendant and other defendants in this action or "the interests of fairness and transparency" are legally frivolous grounds to bring a motion to compel in connection with civil discovery. (See Notice of Motion at p. 1:15; see also Haniff v. Sup.Ct. (2017) 9 Cal.App.5th 191, 199 stating in relevant part, "civil discovery cannot be expanded beyond the statutory limits.")

Therefore, the Court DENIES Defendant's Motion to Compel Plaintiff to submit "substantive claims" to any bankruptcy trust.

ORDER re: Hearing on Motion to Compel Proof of Claim Issue; filed by
CNH Industrial America, LLC (Defendant) CRS#
591415310645 filed by David Lee Amell (Lead Attorney) on
09/10/2025

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

However, Plaintiffs appear to have made legally frivolous arguments or taken legally frivolous positions with respect to the “place holder” claims they have filed and are required to produce to defendants pursuant to the Court’s 5/9/2024 Case Management Order in this action (the “CMO”). (Cross Dec. Exh. A at p. 6 of 8.) Defendant contends that Plaintiffs have taken the position that there is some distinction between “substantive” bankruptcy trust claims and “place holder” claims for purposes of the CMO, which contention Plaintiffs do not dispute in Opposition. The Court finds no merit to such a contention. The CMO says in relevant part, “plaintiff shall provide defendants copies of claims made to bankruptcy trusts on behalf of plaintiff.” This language plainly means all claims, whether “substantive,” “placeholder,” or any other type of claim made to a bankruptcy trust with respect to asbestos injuries on behalf of Plaintiff’s decedent Steve Moore (“Decedent”).

Plaintiffs have also taken the legally frivolous position that the placeholder claims they have submitted to bankruptcy trusts constitute protected attorney-work product. However, any claims of any kind submitted to bankruptcy trusts lost any attorney-client privilege or attorney work product protections they may have had the moment they were submitted to third-party bankruptcy trusts.

Wherefore, the Court STRIKES Plaintiffs’ “Confidential – Attorney’s Eyes Only” designations as to all of Plaintiff’s submitted “place holder” claims. Plaintiffs may, if they wish, designate these documents as “Confidential” to prevent information contained in them being disseminated outside of the present litigation.

The Court ORDERS Plaintiffs to produce unredacted and complete copies of all claims of any and every type submitted to bankruptcy trusts with respect to Decedent’s alleged asbestos injuries by the close of business the day after the date on which the final Order on this motion enters the record.

To the extent that Defendant is seeking further responses to Standard Interrogatories regarding Plaintiffs’ bankruptcy trust claims, that request is DENIED. Defendant’s Moving papers do not contain the required Separate Statement of disputed requests and responses. (See CRC Rule 3.1345(a)(2).)

It is a misuse of the Court’s limited judicial resources to litigate frivolous claims and counterclaims. (See *Noland v. Land of the Free, L.P.* (Cal. 2nd Dist. Ct of Appeal 2025) 2025 WL 2629868 [Cal.App. citation not yet available] stating in relevant part at p. *12. “Sanctions [on an Order to Show Cause] may be awarded ... to the clerk of the court for conduct that unnecessarily burdens the court and the taxpayers. As one court has explained, ‘Respondents are not the only parties damaged when an appellant pursues a frivolous claim. Other appellate parties, many of whom wait years for a resolution of bona fide disputes, are prejudiced by the useless diversion of this court’s attention. In the same vein, the appellate system and the taxpayers of this state are damaged by what amounts to a waste of this court’s time and resources. Accordingly, an appropriate measure of sanctions should also compensate the government for its expense in processing, reviewing and deciding a frivolous appeal.’” The

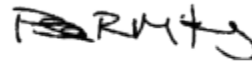
ORDER re: Hearing on Motion to Compel Proof of Claim Issue; filed by
CNH Industrial America, LLC (Defendant) CRS#
591415310645 filed by David Lee Amell (Lead Attorney) on
09/10/2025

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

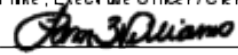
Rene C. Davidson Courthouse

Noland Court's reasoning applies equally to the trial courts of this State.)

Dated : 09/23/2025

A handwritten signature in black ink, appearing to read "P. McKinney", with a stylized flourish at the end.

Patrick McKinney / Judge

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA		Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612		FILED Superior Court of California County of Alameda 09/23/2025 Chad Finke, Executive Officer / Clerk of the Court By:  Deputy P. Drummer-Williams
PLAINTIFF/PETITIONER: Robin L Moore et al		
DEFENDANT/RESPONDENT: A.H.Voss Company et al		
CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6		CASE NUMBER: RG21112710

I, the below named Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served one copy of the Order re: Hearing on Motion to Compel Proof of Claim Issue; filed by CNH Industrial America, LLC (Defendant) CRS# 591415310645 filed by David Lee Amell (Lead Attorney) on 09/10/2025 entered herein upon each party or counsel of record in the above entitled action, by electronically serving the document(s) from my place of business, in accordance with standard court practices.

ALICE WONG
alwong@mwe.com

Claire Christine Weglarz
WOMBLE BOND DICKINSON LLP
claire.weglarz@wbd-us.com

Constance R. Fraenkel
Spanos Przetak
cfraenkel@Spanos-Przetak.com

Craig Lindsey Hodgson
Segal McCambridge Singer & Mahoney
chodgson@schnader.com

David Lee Amell
MAUNE RAICHLE HARTLEY FRENCH & MUDD, LLC
damell@mrhfmlaw.com

David Mann
dmann@bsralaw.com

FLORENCE A. MCCLAIN
LEWIS BRISBOIS BISGAARD & SMITH LLP
Florence.McClain@LewisBrisbois.com

Florence A. McClain
LEWIS BRISBOIS
Florence.McClain@LewisBrisbois.com

Chad Finke, Executive Officer / Clerk of the Court

Dated: 09/23/2025

By:



P. Drummer-Williams, Deputy Clerk

SHORT TITLE: Moore VS A.H.Voss Company

CASE NUMBER: RG21112710

Frank D. Pond
LEWIS BRISBOIS BISGAARD & SMITH LLP
frank.pond@lewisbrisbois.com

Jeremy Darwin Huie
EDLIN GALLAGHER HUIE BLUM
jhuie@behblaw.com

John Graham Cowperthwaite
Bennett, Gelini & Gelini, APC
jcowperthwaite@bsralaw.com

Joseph Gunter
CMBG3 LAW LLC
jgunter@cmbg3.com

Khaled Taqi-Eddin
HAWKINS PARNELL & YOUNG LLP
ktaqi-eddin@hpylaw.com

Lane Zuraw
ALSTON & BIRD LLP
lane.zuraw@alston.com

Leonard Michael Tavera
Semper Law Group, LLP
ltavera@semperlawgroup.com

Lisa Lurline Oberg
Husch Blackwell LLP
lisa.oberg@huschblackwell.com

MARTE J. BASSI, ESQ.
EDLIN GALLAGHER HUIE + BLUM
mbassi@eghblaw.com

Marisa Renee Chaves
Morgan, Lewis & Bockius LLP
marisa.chaves@morganlewis.com

Robert G Engel
Wilson Elser Moskowitz Edelman & Dicker
robert.engel@wilsonelser.com

Viiu Spangler Khare
BERKES CRANE SANTANA & SPANGLER LLP
vspangler@bcsslaw.com