

1 Thomas E. Patterson (State Bar No. 130723)
 Daniel J. Bussel (State Bar No. 121939)
 2 Sasha M. Gurvitz (State Bar No. 301650)
 KLEE, TUCHIN, BOGDANOFF & STERN LLP
 3 1999 Avenue of the Stars, Thirty-Ninth Floor
 Los Angeles, California 90067
 4 Telephone: 310-407-4000
 Facsimile: 310-407-9090
 5 Email: tpatterson@ktbslaw.com
 dbussel@ktbslaw.com
 6 sgurvitz@ktbslaw.com

7 *Attorneys for the J.T. Thorpe Settlement Trust and*
Thorpe Insulation Company Asbestos Settlement Trust
 8

9 **UNITED STATES DISTRICT COURT**
 10 **CENTRAL DISTRICT OF CALIFORNIA**
 11 **WESTERN DIVISION**

12 In re

13 J.T. THORPE, INC.

14 and

15 THORPE INSULATION
 16 COMPANY,

Debtors.

17 MICHAEL J. MANDELBROT and
 18 THE MANDELBROT LAW FIRM,

19 Appellants,

20 vs.

21 J.T. THORPE SETTLEMENT
 22 TRUST and THORPE INSULATION
 COMPANY ASBESTOS
 23 SETTLEMENT TRUST,

Appellees.

Case No.: 2:18-cv-01451-VAP

Related to Dist. Case. No. 2:14-cv-
 03883-VAP

Related to Bankr. Case Nos. 2:02-bk-
 14216-BB and 2:07-bk-19271-BB

Related to Bankr. Adv. Case Nos. 2:12-
 ap-02182-BB and 2:12-ap-02183-BB

**JOINT STIPULATION
 DISMISSING APPEAL**

Date: N/A

Time: N/A

Judge: Hon. Virginia A. Phillips

Place: U.S. District Court
 350 West 1st Street
 Los Angeles, CA 90012
 Courtroom 8A

JOINT STIPULATION DISMISSING APPEAL

26 Pursuant to Rule 8023 of the Federal Rules of Bankruptcy Procedure,
 27 this joint stipulation dismissing appeal (this “**Stipulation**”) is entered into by
 28 and among Defendants-appellants Michael J. Mandelbrot and The Mandelbrot

KLEE, TUCHIN, BOGDANOFF & STERN LLP
 1999 AVENUE OF THE STARS, 39TH FLOOR
 LOS ANGELES, CALIFORNIA 90067
 TELEPHONE: (310)407-4000

1 Law Firm (collectively, “**Mandelbrot**”), on the one hand, and plaintiffs -
2 appellees J.T. Thorpe Settlement Trust and Thorpe Insulation Company
3 Asbestos Settlement Trust (collectively, the “**Trusts**”), on the other hand.

4 **WHEREAS**, Mandelbrot commenced the above-captioned appeal in
5 respect of the *Supplemental Findings of Fact and Conclusions of Law*
6 *Following Remand* [Adv. Dkt. No. 344] and *Judgment Following Remand*
7 [Adv. Dkt. No. 345] (collectively, the “**Orders Following Remand**”)¹ entered
8 on remand² by the United States Bankruptcy Court for the Central District of
9 California (the “**Bankruptcy Court**”) on February 8, 2018 in an adversary
10 proceeding bearing Case No. 2:12-ap-02182-BB;

11 **WHEREAS**, the Orders Following Remand affirm and uphold certain
12 earlier orders entered by the Bankruptcy Court in 2014 (collectively, the
13 “**Bankruptcy Court Orders**”),³ which approved and enforced a settlement
14 between Mandelbrot, on the one hand, and the Trusts and two other trusts
15 administered by common fiduciaries and staff, on the other hand.⁴

16 _____
17 ¹ Unless otherwise noted, (i) citations to Adv. Dkt. refer to the Bankruptcy
18 Court’s docket in Case No. 2:12-ap-02182-BB, (ii) citations to Dist. Dkt.
19 refer to the Court’s docket in Mandelbrot’s initial appeal of the Bankruptcy
20 Court Orders in Case. No. 2:14-cv-03883-VAP, and (iii) citations to Dkt.
refer to the Court’s docket in Mandelbrot’s above-captioned appeal of the
Orders Following Remand in Case No. 2:18-cv-01451-VAP.

21 ² This matter was remanded to the Bankruptcy Court by this Court pursuant
22 to the *Order Remanding Matter to Bankruptcy Court for Further*
Proceedings [Dist. Dkt. No. 56].

23 ³ The Bankruptcy Court Orders consist of the *Order Granting Motion to*
24 *Enforce January 23, 2014 Stipulated Agreement* [Adv. Dkt No. 232], the
25 *Order Following Trial on Adversary Complaints and Motion for*
26 *Instructions* [Adv. Dkt No. 233], the *Judgment in Adversary Proceedings*
[Adv. Dkt No. 234], and the *Findings of Fact and Conclusions of Law*
[Adv. Dkt No. 235].

27 ⁴ The two other trusts are the Western Asbestos Settlement Trust and the
28 Plant Insulation Company Asbestos Settlement Trust.

1 **WHEREAS**, Mandelbrot has appealed the Orders Following Remand
2 to this Court, and on March 28, 2018, the Clerk of this Court docketed the
3 *Notice re: Bankruptcy Record Complete* [Dkt. No. 10] advising that the record
4 in this appeal has been received and establishing April 27, 2018 as the
5 deadline for Mandelbrot to file an opening brief;

6 **WHEREAS**, on May 1, 2018, Mandelbrot informed the Trusts that
7 Mandelbrot would voluntarily dismiss this appeal if the Trusts agreed that
8 each party bears its own costs on appeal; and

9 **WHEREAS**, Mandelbrot and the Trusts desire to resolve this appeal on
10 the terms offered by Mandelbrot.

11 **NOW, THEREFORE**, in consideration of the mutual covenants and
12 agreements set forth in this Stipulation and with the intent to be legally bound,
13 Mandelbrot and the Trusts hereby stipulate and agree as follows:

14 1. The above-captioned appeal shall be voluntarily dismissed with
15 prejudice effective immediately upon entry of an order of this Court
16 approving this Stipulation, a proposed form of which is attached as an exhibit
17 hereto.

18 2. Each party to this appeal shall bear its own costs on appeal.

19 3. The undersigned are duly authorized and empowered to execute
20 this Stipulation on behalf of the respective parties.

21 4. The parties have jointly consented to the drafting of this
22 Stipulation and therefore any claimed ambiguity shall not be construed for or
23 against either of the parties.

24 5. This Stipulation shall be binding on and shall inure to the benefit
25 of the parties and each of their respective successors and assigns, if any, and
26 all persons or entities claiming by, through, or on behalf of the parties.

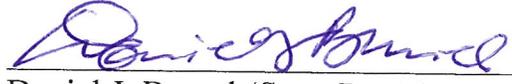
27 6. This Stipulation may be executed in counterparts, each of which
28 constitutes an original and all of which collectively constitute one agreement.

KLEEF, TUCHIN, BOGDANOFF & STERN LLP
1999 AVENUE OF THE STARS, 339TH FLOOR
LOS ANGELES, CALIFORNIA 90067
TELEPHONE: (310) 407-4000

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IN WITNESS WHEREOF, the undersigned have made and entered into this Stipulation as of the date set forth below.

DATED: May 4, 2018



Daniel J. Bussel (State Bar No. 121939)
Thomas E. Patterson (State Bar No. 130723)
Sasha Gurvitz (State Bar No. 301650)
KLEE, TUCHIN, BOGDANOFF & STERN LLP

On behalf of the J.T. Thorpe Settlement Trust and Thorpe Insulation Company Asbestos Settlement Trust

DATED: May 4, 2018



Michael J. Mandelbrot (State Bar No. 172626)
THE MANDELBROT LAW FIRM

On behalf of Michael J. Mandelbrot and The Mandelbrot Law Firm

KLEE, TUCHIN, BOGDANOFF & STERN LLP
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LOS ANGELES, CALIFORNIA 90067
TELEPHONE: (310) 407-4000