



**UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA  
LOS ANGELES DIVISION**

In re:

Jt Thorpe Inc., Thorpe Insulation  
Company,

Debtor(s).

CHAPTER 11

Case No. 2:02-bk-14216-BB and  
Case No. 2:07-19271-BB

Adv No. 2:12-ap-02182-BB and  
Adv. No. 2:12-ap-02183-BB

**ORDER OVERRULING OPPOSITION TO  
EMERGENCY MOTION FOR ORDER TO  
PERMIT COUNSEL TO ACT UPON  
PREEXISTING INSTRUCTIONS FROM  
DECEASED CLIENT PENDING  
APPOINTMENT OF NEW FUTURES  
REPRESENTATIVE**

(No hearing required)

J.T. Thorpe Settlement Trust; Thorpe  
Insulation Company Asbestos Settlement  
Trust,

Plaintiff(s),

v.

Michael J. Mandelbrot and The  
Mandelbrot Law Firm,

Defendant(s).

1 The Court has reviewed and considered the document filed January 11, 2018 by  
2 and on behalf of defendants Michael J. Mandelbrot and the Mandelbrot Law Firm  
3 entitled, "Opposition to Emergency Motion for Order to Permit Counsel for Deceased  
4 Futures Representative to Participate on Behalf of the Office of the Futures  
5 Representative in Pending Briefing and Hearing Based upon Existing Client Instruction,"  
6 [Docket No. 309] (the "Mandelbrot Objection"), and has found the following:

- 7 1. The Mandelbrot Objection does not contain any argument or objection  
8 relevant to the subject matter of the January 8, 2018 emergency motion  
9 [Docket No. 303] (the "Emergency Motion") to which it purports to be an  
10 opposition;
- 11 2. Instead, the Mandelbrot Objection objects to the employment of Gary Fergus  
12 as counsel to the Futures Representative, which employment the Court  
13 approved more than 10 years ago in the Thorpe Insulation and Pacific  
14 Insulation cases (Docket No. 283, entered December 12, 2007) and more  
15 than 13 years ago in the J.T. Thorpe case (Docket No. 221-1, entered July 6,  
16 2004);
- 17 3. None of the information upon which the Mandelbrot Objection is based can be  
18 described as recently-discovered or new, such that it would be an appropriate  
19 basis upon which a party in interest might move for reconsideration of any of  
20 this Court's earlier orders;<sup>1</sup> and
- 21 4. Nothing contained in the Mandelbrot Objection constitutes a basis upon which  
22 this Court is inclined to revisit its decision to grant the Emergency Motion in its  
23 January 10, 2018 order [Docket No. 308].

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28 <sup>1</sup> The Mandelbrot Objection asserts, for example, that Fergus is not disinterested because he had represented  
Fibreboard Corporation for more than 20 years before the first of these bankruptcy petitions was filed in 2002 and  
was a partner of Thorpe Insulation Trustee Stephen Snyder before any of these bankruptcy cases were commenced.

1 In light of the foregoing, **IT IS HEREBY ORDERED** that the Mandelbrot Objection  
2 is OVERRULED in its entirety.

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25 Date: January 16, 2018



Sheri Bluebond  
United States Bankruptcy Judge