Docket #0005 Date Filed: 10/30/2019

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

IN RE:

WELDED CONSTRUCTION, L.P.,

Debtor.
_____/

Case No. 18-12378 (KG)

Chapter 11

EARTH PIPELINE SERVICES, INC.,

Plaintiff,

v.

COLUMBIA GAS TRANSMISSION, LLC,

Defendant.
_____/

Adversary No. 19-50274 (KG)

Adversary No. 19-50275 (KG)

STATUS REPORT

AND NOW COMES, Earth Pipeline Services, Inc. ("Plaintiff"), by and through its undersigned counsel, and hereby submits this Status Report for the two (2) related, above-captioned Adversary Proceedings pursuant to the Court's request, setting forth the following:

I. KEY PROCEDURAL HISTORY

1. On or about March 8, 2019, Plaintiff filed two (2) *in rem* lawsuits against Columbia Gas Transmission, LLC ("Columbia" or "Defendant"), one in the Circuit Court of Wetzel County, West Virginia and one in the Circuit Court of Marshall County, West Virginia asserting a mechanic's lien claim against certain real property interests (the "Property") of Columbia located in West Virginia (individually, "Action", collectively the " Actions"). The Actions are based on and assert the same underlying claim, but two filings were required because the Property is located in both Wetzel and Marshall counties. On or about April 10, 2019, Columbia filed Notices of

Removal ("Notice of Removal") in both Actions. The United Stated Bankruptcy Court for the Northern District of West Virginia issued notice of the Notices of Removal on April 12, 2019.

2. On May 14, 2019, Plaintiff filed Motions for Remand or Abstention in response to the Notices of Removal filed by Defendant ("Motions for Remand").

3. On May 14, 2019, the United States District Court for the Northern District of West Virginia (the "District Court") entered an Order withdrawing the reference of the Actions and ordering that the Actions proceed in the District Court.

4. On May 23, 2019, Defendant filed a Motion to Transfer Venue of the Actions to the United States Bankruptcy Court for the District of Delaware.

5. On June 26, 2019, the District Court entered an Order transferring Actions to the Delaware Bankruptcy Court to be adjudicated as an adversary proceeding related to the above-captioned Chapter 11 bankruptcy case of Welded Construction, Inc., et al.

II. STATUS REPORT

6. Since the commencement of the Actions, the parties and their counsel have engaged in multiple discussions regarding the factual and legal matters at issue. Plaintiff also made a formal offer of settlement to Defendant and the parties have engaged in limited settlement discussions thereafter. The parties, however, have not been able to reach a settlement as of the date of this Status Report. The parties are prepared to proceed with necessary discovery at this time and are in the process of preparing a proposed scheduling order for the Court's consideration and approval.

7. Plaintiff believes that an initial status conference to apprise the Court of the substance of the Actions is advisable and hereby requests that at the Court schedule such a status conference at its earliest convenience.

8. Furthermore, because the Actions and the corresponding two (2) above-captioned Adversary Proceedings are related, Plaintiff suggests that the Adversary Proceedings should be consolidated and administered as one proceeding.

Date: October 30, 2019

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CERTIFICATE OF SERVICE

The undersigned does hereby certify that on this 30th day of October, 2019, a true and correct copy of the foregoing Status Report was served on the parties identified below via regular mail, email and by the Court's CM/ECF System.

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