IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

IN RE:	)	Chapter 11
	)	Case No. 18-12378 (CSS)
WELDED CONSTRUCTION, L.P., et al.,	)	Jointly Administered
Debtors.	)	
WELDED CONSTRUCTION, L.P. and, WELDED CONSTRUCTION MICHIGAN, LLC	)	
Plaintiffs,	)	
v.	)	Adv. Pro. No.: 19-50180 (CSS)
	)	**Adv. Docket No.: 84**
PRIME NDT SERVICES, INC.,	)	
Defendants.	)	

ORDER

Upon consideration of the *Plaintiffs' Motion for Leave to File an Amended Complaint* (Adv. D.I. 84) (the "Motion") and the opposition (Adv. D.I. 97) and reply thereto (Adv. D.I. 101); and the Court having scheduled a trial in this adversary action on February 18-21, 2020 (the "Trial"); and the Court having determined that granting the relief requested in the Motion is in the best interests of the Debtors,[1] their estates and creditors; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED that

1. The Motion is granted as set forth herein.

[1] Capitalized terms not defined herein shall have the meaning ascribed to them in the Motion.

2. The Debtors are authorized to amend the Complaint and take any and all actions necessary to implement the relief granted in this Order.

3. The **legal issue** of whether the Debtors are entitled to legal fees pursuant to the Subcontract (i.e. whether attorneys' fees are an element of damages) will be heard at Trial.

4. If attorneys' fees are found **not** to be an element of damages, such ruling will be without prejudice to the Debtors rights, if any, pursuant to Rule 54(d)(2) of the Federal Rules of Civil Procedure, made applicable by Federal Rule of Bankruptcy Procedure, Rule 7054(b)(2).

5. If attorneys' fees are found to be an element of damages under the Subcontract at Trial, any and all rights are reserved regarding any **factual disputes** related thereto. If necessary, the parties shall submit a scheduling order within 10 days of any such ruling regarding discovery and briefing related thereto.

Christopher S. Sontchi
Chief United States Bankruptcy Judge

Date: January 30, 2020