Docket #0016 Date Filed: 5/4/2020

]IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:	
WELDED CONSTRUCTION, L.P.,	Chapter 11
Debtor,	Case No. 18-12378 (CSS)
	(Jointly Administered)
SUNBELT EQUIPMENT MARKETING, INC.,	
Plaintiff,	Adv. Pro. No. 20-50445 (CSS)
v.	Adv. Pro. No. 20-50447 (CSS)
COLUMBIA GAS TRANSMISSION, LLC, TRANSCANADA USA SERVICES INC., and WELDED CONSTRUCTION L.P.,	
Defendants.	

CERTIFICATION OF COUNSEL REGARDING SCHEDULING ORDER

The undersigned hereby certifies as follows:

1. On or about July 19, 2019, Sunbelt Equipment Marketing, Inc. filed a complaint against the above-captioned defendants in the Circuit Court of Marshall County, West Virginia, designated as Civil Action No. 19-C-186 (the "Marshall County Case").

2. On February 3, 2020, the Marshall County Case was removed to this Court and redesignated as Adversary Proceeding Number 20-50445.

3. On or about July 19, 2019, Sunbelt Equipment Marketing, Inc. filed a complaint against the above-captioned defendants in the Circuit Court of Wetzel County, West Virginia, designated as Civil Action No. 19-C-53 (the "Wetzel County Case").

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4. On February 3, 2020, the Wetzel County Case was removed to this Court and redesignated as Adversary Proceeding Number 20-50447.

5. Subsequent to the removal of the above-captioned cases, counsel for the plaintiff and counsel for the defendants Columbia Gas Transmission, LLC and Transcanada USA Services Inc. have negotiated a proposed mutually-satisfactory scheduling order (the "Scheduling Order"). By agreement, the Scheduling Order also provides that the two adversary proceedings shall be consolidated and administered within Adv. Pro. No. 20-50445.

WHEREFORE, Columbia Gas Transmission, LLC and Transcanada USA Services Inc. respectfully request that the Court enter the Scheduling Order attached hereto at its earliest convenience.

Dated: May 4, 2020

ARCHER & GREINER, P.C.

/s/ Kevin F. Shaw

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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re: WELDED CONSTRUCTION, L.P., Debtor,	 Chapter 11 Case No. 18-12378 (CSS) (Jointly Administered)
SUNBELT EQUIPMENT MARKETING, INC., Plaintiff, v. COLUMBIA GAS TRANSMISSION, LLC, TRANSCANADA USA SERVICES INC, and WELDED CONSTRUCTION LP Defendants.	 Adv. Pro. No. 20-50445 (CSS) Adv. Pro. No. 20-50447 (CSS)

SCHEDULING ORDER

To promote the efficient and expeditious disposition of adversary proceedings, the following schedule shall apply to the above-captioned adversary proceedings (the "**Adversary Proceedings**").

IT IS HEREBY ORDERED that:

1. The above-captioned Adversary Proceedings are consolidated into and shall be administered within Adv. Proc. No. 20-50445 (CSS).

2. The discovery planning conference described in Fed.R.Civ.P. 26(f), made applicable by Fed.R.Bankr.P. 7026, shall take place no later than thirty (30) days from the date of this Order.

3. The parties shall provide the initial disclosures under Fed.R.Civ.P. 26(a)(1) no later than fourteen (14) days after the discovery planning conference. Any extension of the deadline to provide initial disclosures must be by Order of the Court and will only be granted for good cause shown.

4. All fact discovery shall be completed by a date no later than one hundred and eighty (180) days from the date of the parties' discovery planning conference (the "Conference Date").

5. The parties shall provide expert reports for any issue on which they bear the burden of proof by a date no later than two-hundred ten (210) days after the Conference Date. The parties shall provide rebuttal expert reports by a date no later than two hundred and forty (240) days after the Conference Date. All reports shall provide the information required by Fed.R.Civ.P. 26(a)(2)(B). All expert discovery shall be completed, and discovery closed, by a date no later than two hundred and sixty (260) days after the Conference Date.

6. Pursuant to the *General Order Regarding Procedures in Adversary Proceedings* entered by the Honorable Mary F. Walrath on April 7, 2004, no later than one hundred and twenty (120) days after the Conference Date , the parties shall file a *Stipulation Regarding Appointment of a Mediator* or a statement that the parties cannot agree on a mediator and a request that the Court select and appoint a mediator to the proceeding. Within sixty (60) days after the entry of an Order Assigning the Adversary Proceedings to Mediation, the mediator shall either (a) file the mediator's certificate of completion, or (b) if the mediation

is not concluded, file a status report that provides the projected schedule for completion of the mediation.

7. All dispositive motions shall be filed and served by a date no later than fifteen (15) days after the close of all discovery and shall be subject to Rule 7.1.2 of the Local Rules of Civil Practice and Procedure of the United States District Court for the District of Delaware.

8. The parties shall comply with the *General Order Governing Pre-Trial Procedures in Adversary Proceedings Set for Trial Before Judge Christopher S. Sontchi*. The parties shall file, no later than three (3) business days prior to the earlier of the date set for (i) pre-trial conference (if one is scheduled) or (ii) trial, a joint pre-trial memorandum approved by all counsel and shall contemporaneously deliver two (2) copies thereof to Judge Sontchi's chambers (if allowed at that time).

9. The *Order Assigning the Adversary Proceeding to Mediation* shall set the Adversary Proceeding for trial. The Court may, in its discretion, schedule a pre-trial conference in lieu of or in addition to the trial.

10. The Plaintiff shall immediately notify Chambers upon the settlement, dismissal or other resolution of any adversary proceeding subject to this Order and shall file with the Court appropriate evidence of such resolution as soon thereafter as is feasible. The Plaintiff shall file a status report forty-five (45) days after the date of this scheduling order, each forty-five (45) days thereafter, and thirty (30), twenty (20), and ten (10) days prior to trial, setting out the status of the Adversary Proceedings. Plaintiff shall immediately advise Chambers, in writing, of any occurrence or circumstance, which Plaintiff believes may suggest or necessitate the adjournment or other modification of the trial setting.

11. Deadlines contained in this Scheduling Order may be extended only by the Court and only upon written motion for good cause shown.

12. The Plaintiff shall serve this Scheduling Order on each Defendant within five (5) business days after the entry of this Order.