Docket #0006 Date Filed: 6/29/2020

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re: WELDED CONSTRUCTION, L.P., et al[1]., Debtors.	Chapter 11 Case No. 18-12378 (CSS) (Jointly Administered)
EARTH PIPELINE SERVICES, INC., Plaintiff, v. COLUMBIA GAS TRANSMISSION, LLC, WELDED CONSTRUCTION, L.P., Defendants.	Adv. Pro. No. 19-50274 (CSS) Adv. Pro. No. 19-50275 (CSS) (Consolidated)
WELDED CONSTRUCTION, L.P., Plaintiff, v. EARTH PIPELINE SERVICES, INC. Defendants.	Adv. Proc. No. 20-50612 (CSS) (Consolidated)

JOINT STATUS REPORT

Pursuant to the *Scheduling Order* entered by the Court on May 6, 2020 [Adv. 19-50274 Docket No. 18] (the "Scheduling Order"),[2] Welded Construction, L.P. (the "Debtor" or "Welded"), Earth Pipeline Services, Inc. ("Earth"), and Columbia Gas Transmission, LLC ("CGT") by and

[1] The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Welded Construction, L.P. (5008) and Welded Construction Michigan, LLC (9830). The mailing address for each of the Debtors is P.O. Box 470, Perrysburg, OH 43552-0470.

[2] Capitalized terms used, but not defined, herein shall have the meanings given to such terms in the Scheduling Order.

through their undersigned attorneys, hereby submit this *Joint Status Report* in connection with the above-captioned adversary proceedings.

Nature of the Matters in Issue / Status of the Case.

On May 13, 2020, Earth filed its *Amended Complaint for Limited Purpose to Join Welded Construction, L.P. as Additional Defendant* [Adv. 19-50274 Docket No. 13], joining Welded to the consolidated Adversary Proceedings as a nominal defendant in Earth's lien claims against CGT (the "Lien Claim Adversary Proceedings") pursuant to paragraph 2 of the Scheduling Order.

On May 14, 2020, Mersino Dewatering, Inc. filed its *Intervenor Mersino Dewatering's Motion to Intervene and Brief in Support of Motion for Intervention* [Adv. 19-50274 Docket No. 22] (the "Intervention Motion"), seeking to intervene in the Lien Claim Adversary Proceedings.

On May 20, 2020, Earth filed its *Amended Complaint* [Adv. 19-50274 Docket No. 23], adding claims only against CGT in the Lien Claim Adversary Proceedings, pursuant to paragraph 3 of the Scheduling Order.

On May 27, 2020, Welded commenced an action against Earth by filing its *Complaint and Objection to Proof of Claim Number 592 Filed by Earth Pipeline Services, Inc.* [Adv. 20-50612 Docket No. 1], alleging breach of contract, avoidable transfers, and setoff, and objecting to proof of claim against Earth (the "Welded Adversary Proceeding").

Pursuant to paragraph 4 of the Scheduling Order, the Lien Claim Adversary Proceedings and the Welded Adversary Proceeding are consolidated for all purposes. Earth did not oppose this consolidation.

On June 3, 2020, CGT filed its *Motion to Dismiss Earth Pipeline Services, Inc.'s Amended Complaint* [Adv. 19-50274 Docket No. 28] (the "Motion to Dismiss"), seeking to dismiss Earth's claims in the Lien Claim Adversary Proceedings. CGT and Earth have stipulated that Earth's deadline to file a Response to the Motion to Dismiss is June 26, 2020, and CGT's deadline to file a Reply in support of the Motion to Dismiss is July 13, 2020.

On June 4, 2020, Welded filed *Welded's Answer to Amended Complaint* in the Lien Adversary Actions. [Adv. 19-50274 Docket No. 29].

Following briefing on the Intervention Motion, on June 22, 20, CGT requested that the Court schedule oral argument on the Intervention Motion [Adv. 19-50274 Docket No. 32].

Progress of Discovery to Date.

Pursuant to Federal Rule of Civil Procedure 26(f), Welded, Earth, and CGT participated in a discovery conference on June 19, 2020 [Adv. 19-50274 Docket No.19]. The parties have discussed various discovery items and are preparing initial disclosures. The parties anticipate filing a stipulation to extend the time to serve such disclosures. Discovery is scheduled to conclude on January 1, 2021.

Dated: June 29, 2020
Wilmington, Delaware

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DATED: June 29, 2020