Docket #0041 Date Filed: 7/8/2020

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re: WELDED CONSTRUCTION, L.P., et al., 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)

INITIAL DISCLOSURES OF EARTH PIPELINE SERVICES, INC.

Earth Pipeline Services, Inc. ("EPS"), by and through its undersigned counsel, hereby submits its initial disclosures in accordance with Fed. R. Civ. P. Rule 26(a)(1)(i) through (iv), as made applicable to these consolidated proceedings by Bankruptcy Rule 7026 and Rule 7026-3 of the United States Bankruptcy Court for the District of Delaware governing the Discovery of Electronic Documents. The representations made herein are based on the knowledge and belief of EPS after reasonable investigation as of the date of this document. EPS will timely supplement these disclosures when and if additional information becomes available.



Rule 26(a)(1)(A) Disclosures:

(i) The name and, if known, the address and telephone number of each individual likely to have discoverable information, along with the subjects of that information, that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.

Response: The following individuals may have discoverable information that EPS may use to support its claims or defenses:

Joshua Roberts
Tanner Bechtel
Chad Frette
Kevin Berryman
Clint Miller
Phil Bladel
Richard Moorhead
Zach Berryman
Matt Longwell
Angus Miller
Logan Hammel
Larry Prater
Luke Henderson
Doug Lusk
Duane Rush
Kevin Barnett
Alan Radomski
Chris Stapel
Lee Kirshner
c/o counsel for EPS

Messrs. Roberts, Bechtel, Frette, Angus Berryman, Kirshner and/or Bladel are likely to have discoverable information regarding EPS' claims and defenses, including but not limited to the terms and formation of the contracts at issue, EPS' performance of its obligations on the project, and Welded's failure to pay EPS in full for its work, including change orders, for the project. Messrs. Miller, Moorhead, Zach Berryman, Longwell, Hammel, Prater, Henderson, Lusk, Rush, Radomski and Stapel are likely to have discoverable information regarding EPS' claims and defenses, including but not limited to EPS' compliance with applicable steep slope

guidelines, its performance on the project, and delays caused by CTG, TransCanada, Welded and others. All of these witnesses may be contacted only through counsel for EPS.

Graeme Heimrick
Scott Schoenherr
Robert Seebeck
Stephen Hawkins
Julie Conn
Mett Carroll
Dean McDowell
c/o counsel for Welded

Messrs. Heimrick, Shoenherr, Carroll and Seebeck are likely to have discoverable information regarding EPS' claims and defenses, including but not limited to the terms and formation of the contracts at issue, EPS' performance of its obligations on the project, and Welded's failure to pay EPS in full for its work, including change orders, for the project. Ms. Conn and Mr. McDowell are likely to have discoverable information regarding the same subjects, as well as information regarding payment due to EPS and the filing of EPS' mechanic's lien.

Thilanka Galappathti, c/o counsel for CGT. Galappathti is likely to have discoverable information regarding EPS' claims and defenses, including but not limited to information regarding items needed before trees within a certain range of an overhead power line could be cut.

EPS may rely on any witnesses disclosed by other parties and witnesses whose identity and knowledge become known through further investigation and in the course of discovery.

(ii) A copy or a description by category and location of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.

Response: EPS has in its custody and control, the following documents that it may use to support its claims or defenses: EPS' business records, construction files, employment and pay records, project management files, incident reports, and correspondence. These materials will be made available through EPS' undersigned attorneys.

(iii) A computation of each category of damages claimed by the disclosing party, who must also made available for inspection and copying as under Rule 34 the documents or other evidentiary materials, unless privileged or protected from disclosure, in which each computation is based, including materials bearing on the nature and extent of injuries suffered.

Response: EPS seeks all damages as set forth in its Proof of Claim and Mechanic's Lien.

(iv) For inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy part or all of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Response: Based on EPS' investigation and information known at this time, there are no applicable policies of insurance to be disclosed. EPS' investigation and evaluation of its policies of insurance continues, and this response will be seasonably updated if additional information becomes known.

District of Delaware Local Rule 7026-3 Disclosures:

(i) A list of the most likely custodians of relevant electronic materials, including a brief description of each person's title and responsibilities:

Tanner Bechtel, President. Mr. Bechtel is responsible for the overall management of EPS as well as its day to day operations.

(ii) A list of each relevant electronic system that has been in place at all relevant times and a general description of each system, including the nature, scope, character, organization, and formats employed in each system. The parties should also include other pertinent information about their electronic documents and wehther those electronic documents are of limited accessibility. Electronic documents of limited accessibility may include those created or used by electronic

media no loger in use, maintained in redundant electronic storage media, or for which retrieval involves substantial cost.

EPS has imposed a litigation hold on its files, preserving documents and communications relating to the project at issue. EPS uses Gmail for electronic mail correspondence, Excel, Word and similar commercially available document management systems and TC Integra Lunk.

(iii) The name of the individual responsible for that party's electronic document retention policies as well as a general description of the party's electronic document retention policies for the systems identified above;

EPS' legal department is responsible for its document retention policies. EPS' policies require that all documents and all metadata relating to those documents be preserved in their original form once it is apparent that litigation is possible. When EPS's is made aware of pending or threatened litigation and/or investigations, a litigation hold directive will be issued as appropriate and in accord with the Litigation Hold Policy. On notice from the Legal Department or any Officer or Director of EPS, any directions to suspend this Policy will supersede this Policy and the Record Retention Schedule until the hold has been released by EPS. Employees shall not delete e-mail that is subject to the Litigation Hold Policy.

(iv) The name of the individual who shall serve as that party's "e-discovery liaison"; and

Sally J. Daugherty, Esquire

(v) Notice of any problems reasonably anticipated to arise in connection with e-discovery.

EPS believes that certain electronic mail messages and other electronically retained documents may have been destroyed by a former employee. EPS has been working to recover

and restore all such documents. EPS will make specific disclosures if it determines that any records or documents that cannot be recovered and restored.

COHEN, SEGLIAS, PALLAS, GREENHALL & FURMAN, P.C.

/s/ Sally J. Daugherty
Sally J. Daugherty, Esquire (5473)
Stephen A. Venzie, Esquire (5716)
500 Delaware Avenue, Suite 730
Wilmington, DE 19801
(302) 425-5089
sdaugherty@cohenseglias.com
svenzie@cohenseglias.com

Counsel to Earth Pipeline Services, Inc.

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

In re: WELDED CONSTRUCTION, L.P., et al., 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)

CERTIFICATE OF SERVICE

I, Sally J. Daugherty, Esq., hereby certify that on this 8th day of July 2020, I caused a true and correct copy of ***Plaintiff Earth Pipeline Services, Inc.'s Rule 26(a) Initial Disclosures and Local Rule 7026-3 Disclosures*** to be served upon the parties identified below via email and by the Court's CM/ECF System:

David W. Carickhoff, Esq.
Alan M. Root, Esq.
Kevin F. Shaw, Esq.
Archer & Greiner P.C.
300 Delaware Avenue, Suite 1100
Wilmington, DE 19801
dcarickhoff@archerlaw.com
aroot@archerlaw.com
kshaw@archerlaw.com
Attorneys for Columbia Gas Transmission, LLC

Charles Stephen Kelley, Esq.
Andrew Elkhoury, Esq.
Mayer Brown LLP
700 Louisiana Street
Suite 3400

Houston, TX 77002
ckelley@mayerbrown.com
aelkhoury@mayerbrown.com
Attorneys for Columbia Gas Transmission, LLC

GianClaudio Finizio, Esq.
Gregory J. Flasser, Esq.
Bayard, P.A.
600 North King Street, Suite 400
Wilmington, Delaware 19801
gfinizio@bayardlaw.com
gflasser@bayardlaw.com
Attorneys for Mersino Dewatering, Inc.

Max J. Newman, Esq.
Michael Griffie, Esq.
Butzel Long PC
Stoneridge West
41000 Woodard Ave.
Bloomfield Hills, MI 48304
newman@butzel.com
griffie@butzel.com
Attorneys for Mersino Dewatering, Inc.

Sean M. Beach, Esq.
Robert F. Poppiti, Jr., Esq.
Allison S. Mielke, Esq.
Betsy L. Feldman, Esq.
Young Conaway Stargatt & Taylor, LLP
Rodney Square
1000 North King Street
Wilmington, DE 19801
sbeach@ycst.com
rpoppiti@ycst.com
amielke@ycst.com
bfeldman@ycst.com
Attorneys for Welded Construction, L.P.

Jennifer L. Cree, Esq.
Matthew B. McGuire, Esq.
Landis Rath & Cobb LLP
P.O. Box 2087
919 Market Street, Suite 1800
Wilmington, DE 19899
cree@lrclaw.com
mcguire@lrclaw.com

Attorneys for Welded Construction, L.P.

COHEN, SEGLIAS, PALLAS, GREENHALL & FURMAN, P.C.

/s/ Sally J. Daugherty
Sally J. Daugherty, Esquire (DE Bar No. 5473)
500 Delaware Avenue, Suite 730
Wilmington, DE 19801
(302) 425-5089

DATED: July 8, 2020

Attorneys for Earth Pipeline Services, Inc.