Docket #0043 Date Filed: 7/17/2020

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, Defendant.	Adv. Pro. No. 19-50274 (CSS) Adv. Pro. No. 19-50275 (CSS) (Consolidated)
COLUMBIA GAS TRANSMISSION, LLC, Counter-Claimant, v. EARTH PIPELINE SERVICES, INC., Counter-Defendant.	
WELDED CONSTRUCTION, L.P., Plaintiff, v. EARTH PIPELINE SERVICES, INC. Defendant.	Adv. Proc. No. 20-50612 (CSS) (Consolidated)

REQUEST FOR ORAL ARGUMENT REGARDING
COLUMBIA GAS TRANSMISSION'S MOTION TO DISMISS
EARTH PIPELINE SERVICES, INC.'S AMENDED COMPLAINT

1812378200720000000000002

Pursuant to Del. Bankr. L.R. 7007-3, defendant and counter-claimant Columbia Gas Transmission, LLC ("CGT") requests that the Court schedule oral argument on *Columbia Gas Transmission's Motion to Dismiss Earth Pipeline Services, Inc.'s Amended Complaint* [D.I. No. 28] (the "Motion to Dismiss").

In support thereof, CGT states as follows:

BACKGROUND

1. On May 8, 2019, Earth Pipeline Services, Inc. ("Plaintiff") filed a complaint against CGT in the Circuit Courts of Marshall County and Wetzel County, West Virginia.

2. The actions were subsequently removed to the United States Bankruptcy Court for the Northern District of West Virginia, followed by removal to the United States District Court for the District of Delaware, and finally, by Order dated July 15, 2019, removal to the United States Bankruptcy Court for the District of Delaware. The actions were subsequently consolidated.

3. On May 13, 2020, Plaintiff filed the *Amended Complaint for Limited Purpose to Join Welded Construction, L.P. as Additional Defendant* [D. I. No. 20], adding Welded Construction, L.P. as a nominal defendant.

4. On May 20, 2020, Plaintiff filed the *Amended Complaint* [D. I. No. 23], adding additional allegations and attaching its subcontract as an exhibit in support of its mechanic's lien cause of action, and alleging *in personam* claims against CGT for unjust enrichment and quantum meruit (the "Amended Complaint").

5. On June 3, 2020, CGT filed the Motion to Dismiss [D. I. No. 28], moving to dismiss the Amended Complaint and all claims therein.

6. On June 26, 2020, Plaintiff filed *Plaintiff Earth Pipeline Services, Inc.'s Response and Brief in Opposition to Defendant Columbia Gas Transmission's Motion to Dismiss Plaintiff Earth Pipeline Services, Inc.'s Amended Complaint* [D. I. No. 36].

7. On July 13, 2020, CGT filed *Columbia Gas Transmission, LLC's Reply in Support of its Motion to Dismiss* [D. I. No. 42].

REQUEST FOR ORAL ARGUMENT

8. CGT respectfully requests that the Court schedule oral argument on the Motion to Dismiss.

Date: July 17, 2020

ARCHER & GREINER, P.C.

/s/ David W. Carickhoff
David W. Carickhoff (No. 3715)
Alan M. Root (No. 5427)
300 Delaware Avenue, Suite 1100
Wilmington, Delaware 19801
Phone: (302) 777-4350
Fax: (302) 777-4352
E-mail: dcarickhoff@archerlaw.com
aroot@archerlaw.com

-and-

MAYER BROWN LLP
Charles S. Kelley, Esq.
Andrew C. Elkhoury, Esq.
700 Louisiana Street, Suite 3400
Houston, TX 77002
Phone: (713) 238-3000
Email: ckelley@mayerbrown.com
aelkhoury@mayerbrown.com

Attorneys for Columbia Gas Transmission, LLC

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, Defendant.	Adv. Pro. No. 19-50274 (CSS) Adv. Pro. No. 19-50275 (CSS) (Consolidated)
COLUMBIA GAS TRANSMISSION, LLC, Counter-Claimant, v. EARTH PIPELINE SERVICES, INC., Counter-Defendant.	
WELDED CONSTRUCTION, L.P., Plaintiff, v. EARTH PIPELINE SERVICES, INC. Defendant.	Adv. Proc. No. 20-50612 (CSS) (Consolidated)

CERTIFICATE OF SERVICE

I hereby certify that on this date, I caused true and correct copies of the foregoing **Request for Oral Argument Regarding Columbia Gas Transmission's Motion to Dismiss**

Earth Pipeline Services, Inc.'s Amended Complaint to be served upon the following parties in the manner indicated below:

Dated: July 17, 2020

By: /s/ *David W. Carickhoff*
David W. Carickhoff (DE 3715)

SERVICE LIST

VIA ECF AND ELECTRONIC MAIL

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

Welded Construction, L.P.
c/o Landis Rath & Cobb LLP
Attn: Jennifer L. Cree
Matthew B. McGuire
P.O. Box 2087
919 Market Street, Suite 1800
Wilmington, DE 19899
Cree@lrclaw.com
mcguire@lrclaw.com

Earth Pipeline Services, Inc.
c/o Campbell & Levine, LLC
Attn: Mark T. Hurford
222 Delaware Avenue, Suite 1620
Wilmington, DE 19801
mhurford@camlev.com

Mersino Dewatering, Inc.
c/o Bayard, P.A.
Attn: Gregory J. Flasser
GianClaudio Finizio
600 North King Street, Suite 400
Wilmington, Delaware 19801
gflasser@bayardlaw.com
gfinizio@bayardlaw.com

Mersino Dewatering, Inc.
c/o BUTZEL LONG PC
Attn: Max J. Newman
Michael Griffie
Stoneridge West
41000 Woodard Ave
Bloomfield Hills, MI 48304
newman@butzel.com
griffie@butzel.com

218933478v1