Docket #0007 Date Filed: 12/29/2020

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

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|---|---|
| In re:<br><br>Welded Construction, L.P., *et al.*,<br><br>Debtors.[1] | Chapter 11<br><br>Case No. 18-12378 (CSS)<br><br>(Jointly Administered) |
| Welded Construction, L.P.,<br>Plaintiff,<br><br>vs.<br><br>Defendants Listed Below,<br>Defendant. | |

| **Defendant Name** | **Adversary Number** |
|---|---|
| Blasting Services Inc. | 20-50925 |
| CLP Services Inc. | 20-50926 |
| Contractor's Rental Corporation dba CRC Contractors Rental | 20-50927 |
| Egypt Valley Stone, LLC | 20-50928 |
| Force Drilling LLC | 20-50929 |
| Gwinnup's Restoration and Environmental Services, Inc. | 20-50930 |
| Horizon Supply Company | 20-50931 |
| Industrial Fabrics, Inc. | 20-50932 |
| Jimco Equipment Corporation fdba Jimco Equipment Rentals, Inc. | 20-50933 |
| Kirk Excavating & Construction, Inc. | 20-50934 |
| Lunda Construction Company | 20-50935 |
| M.L. Chartier, Inc. | 20-50940 |
| Magnum Machine Works, LLC | 20-50936 |
| MAXX HDD, LLC | 20-50937 |
| McCutcheon Enterprises, Inc. | 20-50938 |
| Mesa Products, Inc. | 20-50939 |
| Off Duty Services, Inc. | 20-50941 |
| Ohio River Aggregate, Inc. | 20-50942 |
| Redstone International Inc. | 20-50945 |
| R-Value Foam Insulation, LLC | 20-50944 |

[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).



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| Sautter Crane Rental, Inc. | 20-50946 |
| Shafer Equipment, LLC | 20-50947 |
| Sterling Site Access Solutions, LLC fdba Sterling Lumber Company, LLC | 20-50949 |
| Supreme Industries, Inc. | 20-50950 |
| The Voto Manufacturers Sales Company | 20-50956 |
| Tract Resources LLC | 20-50951 |
| U.S. Bagging, LLC | 20-50953 |
| US Crossings Unlimited, LLC | 20-50954 |
| Veriforce, LLC | 20-50955 |
| Wampum Hardware Co. | 20-50957 |
| Webster & Garner, Inc. | 20-50958 |
| Williams Scotsman, Inc. | 20-50959 |
| Worldwide Machinery, Inc. dba Worldwide Rental Services | 20-50960 |

**CERTIFICATION OF COUNSEL REGARDING PROPOSED SCHEDULING ORDER**

I, Josef W. Mintz, an attorney with the law firm of Blank Rome LLP, co- counsel to Welded Construction, L.P (the "Plaintiff"), the Plaintiff in the above-captioned adversary proceedings, excluding Case Nos. 20-50923 and 20-50924 (collectively, the "Adversary Proceedings"), hereby certify the following:

1. On December 15, 2020, pursuant to Local Rule 7016-1 of the Local Rules of Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the "Local Rules"), Plaintiff circulated a proposed scheduling order attached as Exhibit A (the "Proposed Scheduling Order") to govern pretrial discovery, motion practice and mediation in the Adversary Proceedings. A copy of the Proposed Scheduling Order was circulated to counsel to each of the above-captioned defendants (the "Defendants"), or, in cases in which Defendants are not represented by counsel, sent to a representative or agent of the Defendants.

2. Due to the global COVID-19 crisis and impact on businesses, the agreed deadlines in the Proposed Scheduling Order include an additional 60-day period beyond the time periods in

the typical form of scheduling order for preference avoidance actions commonly used by this Court.

3. Plaintiff requested comments concerning the Proposed Scheduling Order on or before close of business on December 22, 2020.

4. Counsel for one Defendant responded with an informal comment. The parties have resolved all outstanding issues.

5. Accordingly, the undersigned understands no parties oppose entry of the Proposed Scheduling Order.

6. On information and belief, the Proposed Scheduling Order complies or substantially complies with applicable Federal Rules of Civil Procedure, Federal Rules of Bankruptcy Procedure, the Local Rules of this Court and the form of scheduling order for preference avoidance actions commonly used by this Court.

*[Remainder of page intentionally left blank]*

7. Accordingly, unless the Court has questions or concerns, the undersigned respectfully requests that the Court enter the Proposed Scheduling Order attached as Exhibit A in the Adversary Proceedings at its earliest convenience and cancel the Pre-Trial scheduled for January 4, 2021.

Dated: December 29, 2020

**BLANK ROME LLP**

By: /s/ Josef W. Mintz
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*-and-*

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Brigette G. McGrath, Esq. NY SBN 4962379
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Email: bmcgrath@askllp.com

*Co-Counsel for the Post-Effective Date Debtors*

**EXHIBIT A**

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

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| In re:<br><br>Welded Construction, L.P., *et al.*,<br><br>Debtors.[1] | Chapter 11<br><br>Case No. 18-12378 (CSS)<br><br>(Jointly Administered) |
| Welded Construction, L.P.,<br>Plaintiff,<br><br>vs.<br><br>Defendants Listed Below,<br>Defendant. | |

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| Mesa Products, Inc. | 20-50939 |
| Off Duty Services, Inc. | 20-50941 |
| Ohio River Aggregate, Inc. | 20-50942 |
| Redstone International Inc. | 20-50945 |
| R-Value Foam Insulation, LLC | 20-50944 |
| Sautter Crane Rental, Inc. | 20-50946 |

[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).

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| Shafer Equipment, LLC | 20-50947 |
| Sterling Site Access Solutions, LLC fdba Sterling Lumber Company, LLC | 20-50949 |
| Supreme Industries, Inc. | 20-50950 |
| The Voto Manufacturers Sales Company | 20-50956 |
| Tract Resources LLC | 20-50951 |
| U.S. Bagging, LLC | 20-50953 |
| US Crossings Unlimited, LLC | 20-50954 |
| Veriforce, LLC | 20-50955 |
| Wampum Hardware Co. | 20-50957 |
| Webster & Garner, Inc. | 20-50958 |
| Williams Scotsman, Inc. | 20-50959 |
| Worldwide Machinery, Inc. dba Worldwide Rental Services | 20-50960 |

**SCHEDULING ORDER**

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

**IT IS HEREBY ORDERED** that:

1. The discovery planning conference described in Fed.R.Civ.P. 26(f), made applicable by Fed.R.Bankr.P. 7026, has been deemed to have occurred.
2. The parties shall provide the initial disclosures under Fed.R.Civ.P. 26(a)(1) no later than February 28, 2021. Any extension to the deadline to provide initial disclosures must be by Order of the Court and will only be granted for good cause shown.
3. All fact discovery shall be completed by August 31, 2021.
4. The parties shall provide expert reports for any issue on which they bear the burden of proof, not including any report by Plaintiff on insolvency of the Debtors, by October 31, 2021. If the Defendant intends to provide expert testimony regarding the insolvency of the Debtors, any such expert report must be provided by November 30, 2021. Any expert report by Plaintiff on the insolvency of the Debtors, as well as any Parties' expert report intended

to rebut any other expert report, shall be provided by December 30, 2021. Defendant shall provide any expert report intended to rebut any report on insolvency by Plaintiff by January 31, 2022. All reports shall provide the information required by Fed.R.Civ.P. 26(a)(2)(B). All expert discovery shall be completed, and discovery shall close, by February 28, 2022.

5. 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 twenty (120) days, after the answer or other responsive pleading to the complaint is filed, 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.
6. Within sixty (60) days after entry of an Order Assigning the Adversary Proceeding to Mediation, the mediator shall either (a) file a 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 no later than March 31, 2022 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 Proceeding Set for Trial Before Judge Christopher S. Sontchi. The parties shall file, no later than three (3) business days prior to the earlier of date set for (i) pretrial conference (if one is scheduled) or (ii) trial, their Joint Pre-Trial Memorandum approved by all counsel and shall contemporaneously deliver two (2) copies thereof to Judge Sontchi's chambers.

9. The Order Assigning the Adversary Proceeding to Mediation shall set the Adversary Proceeding for trial three-hundred (300) days after entry of the Order, or as soon thereafter as the Court's calendar permits. 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 each unresolved adversary proceeding subject to this Order. 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.

**IN THE UNITED STATES BANKRUPTCY COURT**
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| Webster & Garner, Inc. | 20-50958 |
| Williams Scotsman, Inc. | 20-50959 |
| Worldwide Machinery, Inc. dba Worldwide Rental Services | 20-50960 |

**CERTIFICATE OF SERVICE**

I, Brigette G. McGrath, Esquire, hereby certify that on December 29, 2020, a copy of the ***Certification Of Counsel Regarding Proposed Scheduling Order*** was caused to be served on the parties on the attached service list via First Class Mail.

Dated: December 29, 2020

**ASK LLP**

*/s/ Brigette G. McGrath*

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*Co-Counsel for the Post-Effective Date Debtors*

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| Bernstein Burkley | Keila Estevez, Esq. | 707 Grant Street | Suite 2200 Gulf Tov | Pittsburgh | Pennsylvania | 15219 |
| Worldwide Machinery, Inc. dba Worldwide Rental Services | MIchael P. Rooney, Registered Agent | 2951 Chambers Road | | Aurora | Colorado | 80011 |
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| Steinhilber Swanson LLP | Paul G. Swanson, Esq. | 107 Church Avenue | | Oshkosh | Wisconsin | 54901 |
| Breyfogle | Edwin H. Breyfogle, Esq. | 108 3rd Street NE | | Massillon | Ohio | 44646 |
| Wampum Hardware Co. | Gerald L. Davis, President | 636 Paden Road | | New Galilee | Pennsylvania | 16141 |
| Kirk Excavating & Construction, Inc. | Charles E. Kirk, RegAgt/Officer | 821 Stimmel Road | | Columbus | Ohio | 43223 |
| The Voto Manufacturers Sales Company | Officer, Managing or General Agent | 500 North Third Street | P.O. Box 1299 | Steubenville | Ohio | 43952 |
| Bernstein Burkley | Keila Estevez, Esq. | 707 Grant Street | Suite 2200 Gulf Tov | Pittsburgh | Pennsylvania | 15219 |
| Veriforce, LLC | Colby Lane, CEO | 1575 Sawdust Road | Suite 600 | The Woodlands | Texas | 77380 |
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| Fox Rothschild LLP | Seth Niederman, Esq. | 919 N. Market St. Ste. 300 | Citizens Bank Cente | Wilmington | Delaware | 19801 |
| M.L. Chartier, Inc. | M. Todd Chartier, RegAgt/President | 9195 Marine City Highway | | Fair Haven | Michigan | 48023 |
| Law Offices of Doron Henkin | Doron Henkin, Esq. | Radnor Financial Center, Suite F200 | 150 N. Radnor Che | Radnor | Pennsylvania | 19087 |
| Richards, Layton & Finger, P.A. | Robert C. Maddox, Esq. | One Rodney Square | 920 North King Stre | Wilmington | Delaware | 19801 |
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| Austria Legal, LLC | Matthew P. Austria, Esq. | 1007 N. Orange Street, 4th Floor | | Wilmington | Delaware | 19801 |
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| Husch Blackwell LLP | Michael D. Fielding, Esq. | 4801 Main Street, Suite 1000 | | Kansas City | Missouri | 64112 |