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. Defendant.	Adv. Proc. No. 20-50612 (CSS) (Consolidated)

JOINT STATUS REPORT

Pursuant to paragraph No. 8 of the *Amended Scheduling Order* entered by the Court on December 23, 2020 [Adv. 19-50274 Docket No. 54] (the "Amended Scheduling Order"),[2] Welded Construction, L.P. (the "Debtor" or "Welded"), Earth Pipeline Services, Inc. ("Earth"), 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 Amended Scheduling Order.

Columbia Gas Transmission, LLC ("CGT") by and 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 mechanic's lien claims against CGT (the "Lien Claim Adversary Proceedings") pursuant to paragraph 2 of the May 6, 2020 Scheduling Order [Adv. 19-50274 Docket No. 18] ("Scheduling Order").

On May 20, 2020, Earth filed its *Amended Complaint* [Adv. 19-50274 Docket No. 23], adding claims for unjust enrichment and *quantum meruit* 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 December 1, 2020, the Court entered an order dismissing Count I of Earth's *Amended Complaint* against CGT with prejudice and dismissing Counts II and III without prejudice. In the Court's Opinion accompanying the December 1, 2020 Order, the Court granted Earth leave to amend its Amended Complaint with respect to Counts II and III. *See* Adv. 19-50274 Docket Nos. 51 & 52. On January 13, 2021, Earth filed its *Second Amended Complaint* [Adv. 19-50274 Docket No. 55]. CGT filed its motion to dismiss the *Second Amended Complaint* on January 26, 2021

[Adv. 19-50274 Docket No. 58] (the "Motion to Dismiss"). The following day, on January 27, 2021, Welded filed *Welded's Answer to Second Amended Complaint* [Adv. 19-50274 Docket No. 59]. Earth filed its response and brief in opposition to the Motion to Dismiss on February 9, 2021 [Adv. 19-50274 Docket No. 61]. CGT's time to file a reply to Earth's response has not yet expired. Earth is likely to seek oral argument on the Motion to Dismiss. CGT does not object to oral argument but is not likely to seek it.

Status of Mediation.

The parties jointly selected James S. Green, Sr., Esq. to serve as a Mediator, and filed a *Joint Stipulation Regarding Appointment of a Mediator* on September 4, 2020 [Adv. 19-50274 Docket No. 49]. Unfortunately, Mr. Green passed away suddenly in November of 2020. The parties are considering other mediators. Pursuant to paragraph No. 3 of the Amended Scheduling Order, no later than 120 days from the date of the Amended Scheduling Order (i.e. April 22, 2021), the parties are to submit a stipulation to the Court of the appointment of a mediator or a statement that the parties cannot agree on a mediator.

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. Given the need for a replacement mediator and other discovery and scheduling considerations, the parties agreed to extend certain discovery deadlines as set forth in the Amended Scheduling Order. The parties have exchanged Initial Disclosures. Welded and EPS have exchanged first sets of interrogatories and requests for production of documents. On January 29, 2021, Welded served its objections, responses and answers to Earth's first set of interrogatories and requests for the production of documents. On February 2, 2021, Welded served its first production of documents in response to Earth's first request for production

of documents. No depositions have taken place. Per the Amended Scheduling Order, all fact discovery is scheduled to be completed by June 2, 2021.

[Signature Page Follows]

Dated: February 18, 2021

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

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CERTIFICATE OF SERVICE

I, Stephen A. Venzie, Esq., hereby certify that on this 18th day of February, 2021, a true and correct copy of the **Joint Status Report** was served upon the all counsel of record via the Court's CM/ECF System.

COHEN, SEGLIAS, PALLAS, GREENHALL
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