Docket #0047 Date Filed: 3/22/2021

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re: WELDED CONSTRUCTION, L.P., Debtor,	Chapter 11 Case No. 18-12378 (CSS) (Jointly Administered)
SUNBELT EQUIPMENT MARKETING, INC. Plaintiff, v. COLUMBIA GAS TRANSMISSION, LLC, TRANSCANADA USA SERVICES INC, and WELDED CONSTRUCTION LP, Defendants.	Adv. Pro. No. 20-50445 (CSS) (Consolidated) Adv. Pro. No. 20-50447 (CSS) Ref.: D.I. 18, 35
SUNBELT TRACTOR & EQUIPMENT COMPANY, INC. Plaintiff, v. COLUMBIA GAS TRANSMISSION, LLC, TRANSCANADA USA SERVICES INC, and WELDED CONSTRUCTION LP, Defendants.	Adv. Pro. No. 20-50446 (CSS) (Consolidated) Adv. Pro. No. 20-50448 (CSS) Ref: D.I. 19, 39

CERTIFICATION OF COUNSEL REGARDING THIRD
STIPULATION TO EXTEND CERTAIN SCHEDULING ORDER DEADLINES

I, Douglas N. Candeub, an attorney with Morris James LLP, counsel to the Plaintiffs in the above-captioned adversary proceedings (the "Actions"), hereby certify as follows:

1. Plaintiffs Sunbelt Tractor & Equipment Company, Inc. ("STEC") and Sunbelt Equipment Marketing, Inc. ("SEMI"), defendants Columbia Gas Transmission, LLC ("CGT") and

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TransCanada USA Services Inc.; and nominal defendant Welded Construction LP, are the only parties to the Actions. pending before this Court.

2. On May 5, 2020, the Court entered Scheduling Orders in the consolidated mechanics lien actions brought by SEMI (D.I. 18 in Adv. Pro. # 20-50445) and in the consolidated mechanics lien actions brought by STEC (D.I. 19 in Adv. Pro. # 20-50446) (together, the "Original Scheduling Orders").

3. On November 16, 2020, this Court entered an "Order Approving Stipulation to Extend Certain Scheduling Order Deadlines," approving a Stipulation among the Parties to extend the pretrial periods for discovery, expert disclosures, and filing of dispositive motions by 60 days (D.I. 35 in Adv. Pro. # 20-50445 and D.I. 39 in Adv. Pro. # 20-50446), in the respective proceedings) (the "First Amended Scheduling Orders").

4. By "Stipulation Regarding Appointment of Mediator", dated November 2, 2020 (D.I. 31 in Adv. Pro. # 20-50445; and D.I. 35 in Adv. Pro. # 20-50446), the Parties upon a mediator, and proceeded with their mediation on December 11, 2020 and on December 18, 2020. The Parties continued to engage in mediation-related correspondence with each other and the mediator thereafter.

5. On January 15, 2021, this Court entered an "Order Approving Second Stipulation to Extend Certain Scheduling Order Deadlines," approving a Stipulation among the Parties to extend the pretrial periods for discovery, expert disclosures, and filing of dispositive motions by an additional 60 days (D.I. 37 in Adv. Pro. # 20-50445; and D.I. 41 in Adv. Pro. # 20-50446) (the "Second Amended Scheduling Orders").

6. Although the Parties have not quite reached a settlement, they believe that they are very close to one. As a result, the Parties have postponed the taking of the several depositions

which they had scheduled, including by way of subpoenas upon third party witnesses, in order to focus their attention on the settlement negotiation and to avoid the expense of the depositions if they are not necessary. In view of the foregoing, the Parties believe that a third, general, 60-day extension of the deadlines in the Scheduling Orders, as amended, is warranted.

7. The Parties have therefore agreed to a set of further extensions of the deadlines in the Scheduling Orders, and have entered into a third stipulation (the "Third Stipulation"), attached hereto as Exhibit A.

8. All counsel in the Actions have approved the Second Stipulation and the proposed form of order. Accordingly, the Parties hereby respectfully request that the Court enter the proposed order approving the Third Stipulation, which is attached hereto as Exhibit B.

Dated: March 22, 2021

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Attorneys for Plaintiffs Sunbelt Equipment Marketing, Inc. and Sunbelt Tractor & Equipment Company, Inc

Exhibit A

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re: WELDED CONSTRUCTION, L.P., Debtor,	Chapter 11 Case No. 18-12378 (CSS) (Jointly Administered)
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SUNBELT TRACTOR & EQUIPMENT COMPANY, INC. Plaintiff, v. COLUMBIA GAS TRANSMISSION, LLC, TRANSCANADA USA SERVICES INC, and WELDED CONSTRUCTION LP, Defendants.	Adv. Pro. No. 20-50446 (CSS) (Consolidated) Adv. Pro. No. 20-50448 (CSS) Ref: D.I. 19, 39, 41

THIRD STIPULATION TO EXTEND CERTAIN
SCHEDULING ORDER DEADLINES

Pursuant to Rule 16.4 of the Local Rules of Civil Practice and Procedure of the United States District Court for the District of Delaware, the Parties[1], by counsel, jointly request this Court

[1] The Parties are comprised of plaintiffs Sunbelt Tractor & Equipment Company, Inc. and Sunbelt Equipment Marketing, Inc.; defendants Columbia Gas Transmission, LLC, and TransCanada USA Services Inc.; and nominal defendant Welded Construction LP.

to extend certain deadlines in the scheduling orders, as amended, that have been entered in these mechanics lien actions.

Scheduling orders were initially entered on May 5, 2020, in these actions (D.I. 18 in Adv. Pro. # 20-50445; and D.I. 19 in Adv. Pro. # 20-50446) (the "Original Scheduling Orders"). The first extensions thereto were approved on November 16, 2020 (D.I. 35 in Adv. Pro. # 20-50445; and D.I. 39 in Adv. Pro. # 20-50446) (the "First Amended Scheduling Orders"). The second extensions thereto were entered on January 15, 2021 (D.I. 37 in Adv. Pro. # 20-50445; and D.I. 41 in Adv. Pro. # 20-50446) (the "Second Amended Scheduling Orders"). The First Amended Scheduling Orders and the Second Amended Scheduling Orders each extended the pretrial periods for discovery, expert disclosures, and filing of dispositive motions for 60-day periods.

By this Stipulation, the parties seek a further extension. In support of this request, the Parties hereby stipulate as follows (this "Third Stipulation"):

1. The Parties, upon stipulation presented to the Court through their respective counsel (D.I. 34 in Adv. Pro. # 20-50445; and D.I. 38 in Adv. Pro. # 20-50446) (the "First Stipulation"), requested that the deadline for fact discovery and other deadlines in the Original Scheduling Orders be extended by sixty (60) days. Under the First Stipulation, as approved by this Court in the First Amended Scheduling Orders, the deadline for fact discovery was extended from November 23, 2020 to January 22, 2021.

2. By "Stipulation Regarding Appointment of Mediator," dated November 2, 2020 (D.I. 31 in Adv. Pro. # 20-50445; and D.I. 35 in Adv. Pro. # 20-50446), the Parties agreed that Raymond F. Lemisch, Esq., of Klehr Harrison Harvey Branzburg LLP, be appointed a Mediator. The Parties proceeded with their mediation on December 11, 2020 and on December 18, 2020.

The Parties continued to engage in mediation-related correspondence with each other and the mediator thereafter.

3. The Parties, upon stipulation presented to the Court through their respective counsel (D.I. 36 in Adv. Pro. # 20-50445; and D.I. 40 in Adv. Pro. # 20-50446) (the "Second Stipulation"), requested that the deadline for fact discovery and other deadlines in the Scheduling Orders be further extended by sixty (60) days. Under the Second Stipulation, as approved by this Court in the Second Amended Scheduling Orders, the deadline for fact discovery was extended to March 23, 2021.

4. As the Parties began scheduling multiple depositions, they also continued pursuing settlement discussions in earnest. Although the Parties have not quite reached a settlement, they believe that they are very close to one. As a result, the Parties have postponed the taking of the several depositions they had scheduled including by way of subpoenas upon third party witnesses, in order to focus their attention on the settlement negotiation and to avoid the expense of the depositions if they are not necessary.

5. In view of the foregoing, the Parties believe that a third, general, 60-day extension of the deadlines in the Scheduling Orders, as amended, is warranted.

6. Under the Second Amended Scheduling Orders, as previously extended, all fact discovery shall be completed by a date no later than three hundred (300) days from the date of the parties' discovery planning conference (the "Conference Date").

7. Accordingly, the Parties request that this Court approve the following revisions to the above-described deadlines:

a. All fact discovery shall be completed by a date no later than three hundred sixty (360) days from the date of the parties' discovery planning conference (the "Conference Date");

b. The parties shall provide expert reports for any issue on which they bear the burden of proof by a date no later than three hundred and ninety (390) days after the Conference Date. The parties shall provide rebuttal expert reports by a date no later than four hundred and twenty (420) days after the Conference Date. All reports shall provide the information required by Fed. R. Civ. P. 26(a)(2)(B). All expert discovery shall be completed, and discovery closed, by a date no later than four hundred and forty (440) days after the Conference Date; and

c. All dispositive motions shall be filed and served by a date no later than fifteen (15) days after the close of all discovery 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. Local Rule 16.4 of Civil Procedure states that a request for an extension of deadlines for completion of discovery or postponement of the trial shall be made by motion or stipulation prior to expiration of the deadline. In this matter, the deadlines have not yet expired.

9. The Parties believe that an extension of the above deadlines is necessary in order to preserve their rights and interests in completing discovery (including the postponed depositions) in the event that they are unable to execute a finalized settlement.

10. Accordingly, good cause exists to extend the deadlines for discovery, expert disclosures, and dispositive motions.

11. The extensions do not affect the trial date or any other dates and deadlines in the Scheduling Orders. The undersigned certify that their respective clients are aware of the extension requested herein.

WHEREFORE, for the reasons set forth above, the Parties jointly request this Court, for good cause shown, extend the discovery deadlines, expert disclosure deadlines, and dispositive motions deadlines as described above.

Dated: March 22, 2021

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Exhibit B

IN THE UNITED STATES BANKRUPTCY COURT
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In re: WELDED CONSTRUCTION, L.P., Debtor,	Chapter 11 Case No. 18-12378 (CSS) (Jointly Administered)
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ORDER APPROVING THIRD STIPULATION TO EXTEND CERTAIN SCHEDULING ORDER DEADLINES

This matter having been presented to the Court upon the Third Stipulation between and among the Parties[1] in the above-captioned adversary proceedings, through their respective counsel, to extend certain deadlines in the Original Scheduling Orders entered in these

[1] Unless otherwise stated, capitalized terms have the meaning ascribed to them in the Second Stipulation.

proceedings; and it appearing that good and sufficient notice has been given; and after due deliberation and sufficient cause appearing therefor;

IT IS ORDERED that the Third Stipulation is hereby approved in its entirety;

IT IS FURTHER ORDERED that:

All fact discovery shall be completed by a date no later than three hundred and sixty (360) days from the date of the parties' discovery planning conference;

The parties shall provide expert reports for any issue on which they bear the burden of proof by a date no later than three hundred and ninety (390) days after the Conference Date. The parties shall provide rebuttal expert reports by a date no later than four hundred twenty (420) days after the Conference Date. All reports shall provide the information required by Fed. R. Civ. P. 26(a)(2)(B). All expert discovery shall be completed, and discovery closed, by a date no later than four hundred and forty (440) days after the Conference Date; and

All dispositive motions shall be filed and served by a date no later than fifteen (15) days after the close of all discovery 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.