Docket #0027 Date Filed: 8/23/2021

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)
Welded Construction, L.P., Plaintiff, vs. Industrial Fabrics, Inc., Defendant.	Adv. No. 20-50932 (CSS) **NO HEARING WILL BE HELD UNLESS REQUESTED OR ORDERED BY THE COURT** **Objection deadline: September 7, 2021 @ 4:00 PM**

INDUSTRIAL FABRICS INC.'S MOTION TO EXTEND DEADLINE FOR NON-EXPERT FACT DISCOVERY

Pursuant to Federal Rule of Civil Procedure 16 as made applicable to this adversary proceeding by Federal Rule of Bankruptcy Procedure 7016, Industrial Fabrics, Inc. (the "Defendant") respectfully moves to extend the time period allowed for non-expert fact discovery in the *Scheduling Order* [Docket #9] (the "Scheduling Order").

RELIEF REQUESTED

For the reasons set forth in the accompanying Memorandum of Law, the Defendant requests that the Scheduling Order be amended to state as follows:

- All fact discovery shall be completed by October 30, 2021.

The Defendant makes this Motion on the grounds that: (1) additional fact discovery is needed to resolve certain issues that were uncovered during the mediation conference that was held on June 24, 2021; (2) lack of additional fact discovery will prejudice the Defendant while

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additional fact discovery will not prejudice the Plaintiff; and (3) the Plaintiff has consented to the proposed extension.

Counsel has conferred and Plaintiff consents to the requested relief.

WHEREFORE, for the reasons set forth above and in the accompanying Memorandum of Law, the Defendant respectfully requests that this Court enter an order substantially in the form of the Proposed Order filed concurrently with the Motion and such other and further relief as is appropriate.

Dated: August 23, 2021

THE LAW OFFICE OF JAMES TOBIA
By: */s/ James Tobia*
James Tobia, Esq. (#3798)
1716 Wawaset Street
Wilmington, DE 19806
Tel. (302) 655-5303
Fax (302) 656-8053
Email: jtobia@tobialaw.com

JONES & ASSOCIATES
By: */s/ Roland Gary Jones*
Roland Gary Jones, Esq.
1325 Avenue of the Americas
28th Floor
New York, NY 10019
Tel. (347) 862-9254 Ext. 701
Fax: (212) 202-4416
Email: rgj@rolandjones.com
Admitted Pro Hac Vice

Counsels for the Defendant

IN THE UNITED STATES BANKRUPTCY COURT
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Welded Construction, L.P., Plaintiff, vs. Industrial Fabrics, Inc., Defendant.	Adv. No. 20-50932 (CSS) **NO HEARING WILL BE HELD UNLESS REQUESTED OR ORDERED BY THE COURT** **Objection deadline: September 7, 2021 @ 4:00 PM**

NOTICE OF INDUSTRIAL FABRICS INC.'S MOTION TO EXTEND DEADLINE FOR NON-EXPERT FACT DISCOVERY

TO:

ASK LLP
Nicholas C. Brown, Esq.
2600 Eagan Woods Drive, Suite 400
St. Paul, MN 55121
Tel. (651) 289-3867
Fax (651) 406-9676
Email: nbrown@askllp.com

Industrial Fabrics, Inc. (the "Defendant"), by and through the undersigned counsel, has filed a motion pursuant to Fed.R.Civ.P. Rule 16(b) as made applicable by Fed.R.Bankr.P. 7016 which seeks the following relief:

The Defendant requests that the Scheduling Order [Docket #9] be amended to state as follows:

All fact discovery shall be completed by October 30, 2021.

You are required to file a response to the motion within 14 days of the date of service set forth in the accompanying certificate of service, by September 7, 2021 @4:00 p.m..

At the same time, you must also serve a copy of the response upon the Defendant's

attorneys at:

THE LAW OFFICE OF JAMES TOBIA
James Tobia, Esq.
1716 Wawaset Street
Wilmington, DE 19806
Tel. (302) 655-5303
Fax (302) 656-8053
Email: jtobia@tobialaw.com

JONES & ASSOCIATES
Roland Gary Jones, Esq.
1325 Avenue of the Americas
28th Floor
New York, NY 10019
Tel. (347) 862-9254 Ext. 701
Fax: (212) 202-4416
Email: rgj@rolandjones.com

IF YOU FAIL TO RESPOND IN ACCORDANCE WITH THIS NOTICE, THE COURT MAY GRANT THE RELIEF DEMANDED BY THE MOTION WITHOUT FURTHER NOTICE OR HEARING.

Dated: August 23, 2021

THE LAW OFFICE OF JAMES TOBIA
By: */s/ James Tobia*
James Tobia, Esq. (#3798)
1716 Wawaset Street
Wilmington, DE 19806
Tel. (302) 655-5303
Fax (302) 656-8053
Email: jtobia@tobialaw.com

JONES & ASSOCIATES
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Roland Gary Jones, Esq.
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New York, NY 10019
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Email: rgj@rolandjones.com
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PROPOSED ORDER

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)
Welded Construction, L.P., Plaintiff, vs. Industrial Fabrics, Inc., Defendant.	Adv. No. 20-50932 (CSS) Re: _____

ORDER GRANTING MOTION TO EXTEND FACT DISCOVERY DEADLINE

Before this Court is a motion by the defendant, Industrial Fabrics, Inc. (the "Defendant"), to extend the non-expert fact discovery deadline (the "Motion") in the Scheduling Order [Docket #9] (the "Scheduling Order"). This Court, having considered the Motion and finding good cause to grant the same -

IT IS HEREBY ORDERED THAT Paragraph No.3 of the Scheduling Order is amended to read as follows:

- All fact discovery shall be completed by October 30, 2021.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

IN RE:	Chapter 11
Welded Construction, L.P., *et al.*	Case No: 18-12378 (CSS)
Debtors.[1]	(Jointly Administered)
Welded Construction, L.P.,	
Plaintiff,	
vs.	Adversary Proceeding No. 20−50932−CSS
Industrial Fabrics, Inc.,	
Defendant.	

CERTIFICATE OF SERVICE

I, James Tobia, hereby certify that on August 23, 2021, I caused the foregoing *Industrial Fabrics Inc.'s Motion to Extend Deadline For Non-Expert Fact Discovery* to be served upon Plaintiff's counsel by CM/ECF:

Josef W. Mintz, Esq.
Blank Rome LLP
1201 Market Street, Suite 800
Wilmington, DE 19801

Joseph L. Steinfeld, Jr., Esq.
Nicholas C. Brown, Esq.
ASK LLP
2600 Eagan Woods Drive, Suite 400
St. Paul, MN 55121

Dated: August 23, 2021

THE LAW OFFICE OF JAMES TOBIA, LLC

By: *James Tobia*
James Tobia, Esq. (#3798)
1716 Wawaset Street
Wilmington, DE 19806
Tel. (302) 655-5303
Fax (302) 656-8053
Email: jtobia@tobialaw.com
Attorney for Defendant

[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)