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June 4, 2024

VIA ECF, EMAIL, & HAND DELIVERY

The Honorable Laurie Selber Silverstein
United States Bankruptcy Judge
United States Bankruptcy Court for the
District of Delaware
824 North Market Street
Wilmington, DE 19801

Re: Welded Construction, L.P. v. the Williams Companies, Inc. et al.
Adversary Proceeding No. 19-50194

Dear Chief Judge Silverstein:

Counsel for Welded writes to identify a dispute between the parties that has arisen with respect to the trial exhibits to be removed from chambers according to Ms. Johnson's email request dated May 21, 2024. The parties agree that the following exhibits would not be removed: (i) exhibits admitted at trial and (ii) exhibits taken under advisement by the Court due to objections asserted at trial or in motions *in limine*.

Transco has indicated that it would like to remove eight additional exhibits that Welded used in its post-trial briefing and that were part of the designated deposition testimony that Welded moved into evidence on August 22, 2023 (Trial Day 1). All eight of these exhibits were included on the exhibit lists submitted to the Court in the parties' Proposed Joint Pretrial Order ("PTO") at Adv. Docket. No. 390, which also identified Transco's objections to the exhibits.[1]

As the Court may recall, Welded raised this issue with the Court after the close of evidence on September 7, 2023:

> MR. GUERKE: So, Your Honor, my understanding of what's in the binders, we have, roughly, 2,100 exhibits from the Defense [side] and then 650 or so from the Plaintiff's side. I suspect there are a fair amount that are not in play anymore.

[1] The PTO included only PX and DX exhibits as the parties had not yet finalized a JX list. JX81 appears on the respective PX and DX exhibit lists submitted with the PTO as PX322 and DX1420.

> As you know from the deposition designation process, there are deposition designations that we're admitting or submitting as part of our case and there are several exhibits that we're going to try to move in through those depositions. So some of our 600-plus exhibits will be hopefully coming into evidence through the briefing. I don't know if that [is] 50 more or 12 more, but for the 600 exhibits on the Plaintiff's side, we may have a hundred that we talked about in trial and then another set we're going to use as part of the post-trial briefing and the overall evidence in the case, but other than that, there's no other mechanism to try to get the Court to consider the balance, if there were, for example, 300 Plaintiff exhibits that have not been discussed in the trial or in the briefing. So, I think there'll be a fair amount that we can shred.

Adv. Docket No. 432 (Sept. 7 Tr. at 2090:4–23).

The Court approved that approach, stating "Okay. So some of it will depend on what you use in your post-trial briefing and then whether there were objections and whether I admitted or not." *Id.* at 2090:24–2091:1. The Court further instructed that the exhibits under consideration "can be supplemented, I suppose after I get the briefing" and that the Court would "figure out what to do with the exhibits that are discussed in the briefing and whether that adds anything or doesn't add anything. Okay. And then maybe we can pull out from the binders the exhibits that were not admitted, but I'll worry about that then. Okay." *Id.* at 2091:18–21.

In a colloquy with the Court, Transco reserved its objections to the documents introduced through designated deposition testimony, but Transco did not disagree with the proposed procedure where the Court would call balls and strikes with respect to the usefulness and admissibility of those documents. *See id.* at 2091:25–2092:17.

Welded understands that Transco now objects to these exhibits remaining in chambers for the Court to call balls and strikes while reviewing the record and the briefing. The parties have reached an impasse on this issue. For the Court's ease of reference, Welded is attaching as **Exhibit A** a list of the eight exhibits that are the subject of the dispute, including the objections identified by Transco.

Welded respectfully requests that the Court permit Welded to leave a separately marked binder containing the eight exhibits referenced in the attached list, so that the Court can consider the objections asserted and determine whether the documents should be admitted as part of the record along with the other exhibits taken under advisement.

Thank you in advance for the Court's consideration of this matter. Counsel is available to discuss further should the Court have any questions.

Respectfully yours,
/s/ Travis G. Buchanan
Travis G. Buchanan

Attachment
cc: All Counsel of Record (via ECF and Email only)

Exhibit A

Welded Construction, L.P. v. The Williams Companies, Inc., et al., Adv. Pro. No. 19-50194 (LSS)
List of Designated Deposition Exhibits Cited in Welded's Post Trial Brief

JX No.	PX No.	DX No.	Date	To	From	CC	Description	Production Begin Bates	Production End Attach	Depo Ex. (Designated)	Confidentiality	Objections Asserted at Trial	Date Moved (via Deposition Designation)
JX081			8/13/2018 15:15	Springer, R Chris	Malone, Tina		RE: Welded Invoice Payment	TRANSCO_00847532	TRANSCO_00847534	Springer-24 (TRANSCO_00847534)			8/22
	PX233		4/23/18				OGCS Invoice Verification Support Findings and Recommendations Report William Midstream Atlantic Sunrise Project May 2018	OGCS-001498	OGCS-001504	Green-5; Kirchen-13; Malone-14	Confidential	Foundation; Relevance; Hearsay	8/22
	PX278		7/3/18	Burke, Phil; Green, Adrian	Anderson, Neil	Comiskey, Ed	re Update	OGCS-009585	OGCS-009585	Goebel-18	Highly Confidential	Foundation; Relevance; Hearsay	8/22
	PX279		7/3/18				Letter from Chris Springer to S. Hawkins Re: Atlantic Sunrise Spreads 5, 6 and 7 - Contract 2016-0001 - Payment	TRANSCO_ 00139796	TRANSCO_ 00139797	Kirchen-16; Springer-16			8/22
	PX289		7/12/18	Burke, Phil	Goebel, Jeffry	Green, Adrian	RE: OGCS visit to Welded Offices	OGCS-006437	OGCS-006438	Goebel-17	Highly Confidential	Foundation; Relevance; Hearsay	8/22
	PX470		6/9/19				TRUE UP V CASH CALL - ALL RECORDED_9TH JUNE 2019	OGCS-006484	OGCS-006484	Goebel-15; 2Green-7; Salvis-8	Highly Confidential		8/22
	PX474		7/6/19	Burke, Phil; Green, Adrian; Heil, John	Goebel, Jeffry		RE: Completed Task - Full build up of the True Costs v the Amounts Certified to date -Confidential- Attorney Work Product	OGCS-008081	OGCS-008084	Goebel-16; 2Green-8; Slavis-8	Highly Confidential	Foundation; Relevance; Hearsay	8/22
	PX526		6/9/20				Press Release - Williams' Atlantic Sunrise Natural Gas Pipeline Project Expected to Generate $1.6B Economic Impact, Supporting More than 8,000 Jobs	N/A	N/A	Dunn-9		Foundation; Hearsay	8/22