Docket #0438 Date Filed: 7/22/2024

UNITED STATES BANKRUPTCY COURT

DISTRICT OF DELAWARE

Laurie Selber Silverstein
Judge

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July 22, 2024

VIA CM/ECF

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In re: Welded Construction, L.P. – Adversary Proceeding No. 19-50194

Dear Counsel:

I have asked my chambers to reach out to you to schedule oral argument in the referenced matter during the week of August 12, 2024. I would like the argument to focus on the following four items:

1. Burden of proof when the disputed category of damages is included in Welded's outstanding invoices and Transco's claim of damages such that both seek affirmative relief (e.g. (x) field personnel costs or (y) costs Welded billed as Specialty Equipment or for subcontracts that Transco contends are within Included Equipment).

2. What is the impact of the audit provision in the contract versus the dispute resolution provision? If Transco is relying on the audit to withhold funds under the Contract, does that change the burden of proof?

3. Please be prepared to discuss the experts' respective scheduling analysis.

4. Welded's argument that Transco waived claims that were not specifically asserted in its two Proofs of Claims or the counterclaim and/or were first raised in Mr. Slavis' May 20, 2022 expert report.

Very truly yours,

Laurie Selber Silverstein

LSS/cmb

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