

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:)	
)	Chapter 11
)	
WELDED CONSTRUCTION, L.P., <i>et al.</i> , ¹)	Case No. 18-12378 (KG)
)	
Debtors.)	(Jointly Administered)
)	
)	Ref. Docket No. 403

NOTICE OF DEADLINE FOR FILING OF PROOFS OF CLAIM

PLEASE TAKE NOTICE THAT:

The United States Bankruptcy Court for the District of Delaware (the “**Court**”), having jurisdiction over the chapter 11 cases of Welded Construction, L.P. and Welded Construction Michigan, LLC (collectively, the “**Debtors**”), has entered an order [Docket No. 403] (the “**Bar Date Order**”)² establishing (i) **February 28, 2019, at 5:00 p.m. (prevailing Eastern Time)** as the deadline by which each person or entity (including, without limitation, individuals, partnerships, corporations, joint ventures, and trusts), other than governmental units, must file a proof of claim (each, a “**Proof of Claim**”) based on any asserted claims against the Debtors that arose prior to the Petition Date (as defined below), *including requests for allowance and payment of claims under section 503(b)(9) of chapter 11 of the Bankruptcy Code* (the “**General Bar Date**”), and (ii) **April 22, 2019, at 5:00 p.m. (prevailing Eastern Time)** as the deadline by which any governmental unit (as such term is defined in section 101(27) of the Bankruptcy Code) must file Proofs of Claim against the Debtors (the “**Government Bar Date**,” and together with the General Bar Date, the Rejection Bar Date, and the Supplemental Bar Date (each as defined below), the “**Bar Dates**”). The Bar Date Order, the Bar Dates, as applicable, and the procedures set forth below for the filing of Proofs of Claim, apply to all claims against the Debtors that arose prior to October 22, 2018 (the “**Petition Date**”), on which date each of the Debtors commenced chapter 11 cases under the Bankruptcy Code (the “**Cases**”).

1. WHO MUST FILE A PROOF OF CLAIM

You **MUST** file a Proof of Claim to vote on any chapter 11 plan filed by the Debtors or to share in distributions from the Debtors’ bankruptcy estates if you have a claim (as defined in section 101(5) of the Bankruptcy Code) that arose prior to the Petition Date and it is not one of the other types of claims described in section 2 below. Acts or omissions of the Debtors that arose before the Petition Date may give rise to claims against the Debtors that must be filed by the applicable Bar Date, notwithstanding that such claims may not have matured or become fixed or liquidated prior to the Petition Date.

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 26933 Eckel Road, Perrysburg, OH 43551.

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Bar Date Order.



Under section 101(5) of the Bankruptcy Code and as used herein, the word “claim” means: (a) a right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured; or (b) a right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured.

2. PARTIES WHO NEED NOT FILE A PROOF OF CLAIM

You need *not* file a Proof of Claim if:

- a. your claim is listed on the schedules of assets and liabilities filed by a Debtor (collectively, the “**Schedules**”) and (i) your claim is not described therein as “disputed,” “contingent,” or “unliquidated”; (ii) you do not dispute the amount, priority, or nature of the claim as set forth in the Schedules; and (iii) you do not dispute that the claim as listed in the Schedules is an obligation of the specific Debtor against which the claim is listed;
- b. your claim has been paid in full;
- c. you hold a direct or indirect interest in any of the Debtors, which interest is based exclusively upon the ownership of membership interests or rights to purchase, sell, or subscribe to such an interest; *provided, however*, that if you are an interest holder and wish to assert claims (as opposed to ownership interests) against any of the Debtors, including, without limitation, claims that arise out of or relate to the ownership or purchase of an interest or the sale, issuance, or distribution of the interest, you must file Proofs of Claim on or before the applicable Bar Date unless another exception identified herein applies;³
- d. you hold a claim allowable under sections 503(b) and 507(a)(2) of the Bankruptcy Code as an expense of administration of the Debtors’ estates, *unless you are a holder of a claim arising under section 503(b)(9) of the Bankruptcy Code, which must be asserted by filing a Proof of Claim on or prior to the General Bar Date*;
- e. you are a professional retained by the Debtors or the Committee, pursuant to orders of the Court who asserts administrative claims for fees and expenses subject to the Court’s approval pursuant to sections 328, 330, 331, and 503(b) of the Bankruptcy Code or 28 U.S.C. § 156(c);
- f. you hold a claim that has been allowed by a final order of this Court entered on or before the applicable Bar Date;
- g. you hold a claim for which a separate deadline is fixed by this Court;
- h. you hold a claim against the Debtors properly filed previously with the Clerk of the Court or with the Debtors’ claims and noticing agent, Kurtzman Carson

³ The Debtors reserve all rights with respect to such claims, including, without limitation, to assert that such claims are subject to subordination pursuant to section 510(b) of the Bankruptcy Code.

Consultants LLC (the “**Claims Agent**”) (utilizing a claim form that substantially conforms to the Proof of Claim Form (as defined below));

- i. you are a Debtor holding a claim against another Debtor;
- j. you hold a claim payable to the Court or the United States Trustee Program pursuant to 28 U.S.C. § 1930; and
- k. you are a current officer, member, or manager who has a claim for indemnification, contribution, or reimbursement.

This Notice is being sent to many persons and entities that have had some relationship with or have done business with the Debtors, but may not have an unpaid claim against the Debtors. The fact that you have received this Notice does not mean that you have a claim against the Debtors or that the Debtors or the Court believe that you have such a claim.

YOU SHOULD NOT FILE A PROOF OF CLAIM IF YOU DO NOT HAVE A CLAIM AGAINST ANY OF THE DEBTORS.

If the Debtors amend or supplement their Schedules subsequent to the mailing of this Bar Date Notice and related information, to reduce the undisputed, noncontingent, and liquidated amount, to change the priority, nature or classification of a claim against the Debtors, or to add a new claim, they will provide notice of any amendment or supplement of their Schedules to the holders of the claims affected thereby within five (5) days of filing any such amendment or supplement. Holders of the claims affected thereby must file any Proofs of Claim with respect to such claims by the later of (i) the applicable General Bar Date or Government Bar Date, and (ii) 5:00 p.m. (prevailing Eastern Time) on the date that is thirty (30) days from the date on which notice is served (the “**Supplemental Bar Date**”).

3. EXECUTORY CONTRACTS AND UNEXPIRED LEASES

If you hold a claim arising from the rejection of an executory contract or unexpired lease, you must file a Proof of Claim based on such rejection on or before the later of (i) 5:00 p.m. (prevailing Eastern Time) on the date that is thirty-five (35) days after the entry of an order approving the rejection of the executory contract or unexpired lease, or (ii) the General Bar Date (the “**Rejection Bar Date**”). Notwithstanding the foregoing, if you are a party to an executory contract or unexpired lease that asserts a claim (other than a rejection damages claim) on account of unpaid amounts accrued and outstanding as of the Petition Date pursuant to such executory contract or unexpired lease, you must file a Proof of Claim for such amounts on or before the General Bar Date or Government Bar Date, as applicable, unless you are expressly excluded from filing a Proof of Claim.

4. WHEN AND WHERE TO FILE PROOFS OF CLAIM

All original Proofs of Claim must be filed so as to be received on or before the applicable Bar Date at 5:00 p.m. (prevailing Eastern Time) either (i) electronically through the Claims Agent’s website at <https://epoc.kccllc.net/welded>, or (ii) by first-class mail, overnight delivery service, or hand delivery at the following address:

**Welded Construction Claims Processing Center
c/o Kurtzman Carson Consultants LLC
2335 Alaska Avenue
El Segundo, CA 90245**

PROOFS OF CLAIM WILL BE DEEMED TIMELY FILED ONLY IF ACTUALLY RECEIVED BY THE CLAIMS AGENT ON OR BEFORE THE APPLICABLE BAR DATE AT 5:00 P.M. (PREVAILING EASTERN TIME). PROOFS OF CLAIM MAY NOT BE DELIVERED BY FACSIMILE, TELECOPY, OR EMAIL.

5. WHAT TO FILE

The Debtors are enclosing a proof of claim form (the “**Proof of Claim Form**”) for use in the Debtors’ Cases. If your claim is scheduled by the Debtors, the form also may set forth the amount of your claim as scheduled by the Debtors and the specific Debtor against which the claim is scheduled. You will receive a different Proof of Claim Form for each claim scheduled in your name by the Debtors.

IF YOU FILE A PROOF OF CLAIM, YOUR FILED PROOF OF CLAIM MUST: (I) BE WRITTEN IN THE ENGLISH LANGUAGE; (II) DENOMINATE THE CLAIM IN LAWFUL CURRENCY OF THE UNITED STATES AS OF THE PETITION DATE; (III) CONFORM SUBSTANTIALLY WITH THE PROOF OF CLAIM FORM; (IV) BE SIGNED BY THE CLAIMANT OR BY AN AUTHORIZED AGENT OF THE CLAIMANT; (V) INDICATE THE PARTICULAR DEBTOR AGAINST WHICH THE CLAIM IS ASSERTED; (VI) SET FORTH THE LEGAL AND FACTUAL BASIS FOR THE ALLEGED CLAIM; AND (VII) INCLUDE SUPPORTING DOCUMENTATION (OR, IF SUCH DOCUMENTATION IS VOLUMINOUS, INCLUDE A SUMMARY OF SUCH DOCUMENTATION) OR AN EXPLANATION AS TO WHY SUCH DOCUMENTATION IS NOT AVAILABLE.

Vendors of goods may be entitled to assert claims arising prior to the Petition Date under section 503(b)(9) of the Bankruptcy Code to the extent that they delivered goods to the Debtors within the twenty (20)-day period prior to the Petition Date. The Court has deemed the filing of a proof of claim as satisfying the procedural requirements for asserting such a claim arising under section 503(b)(9) of the Bankruptcy Code. In addition to the other requirements of the immediately preceding paragraph above, any Proof of Claim asserting a section 503(b)(9) claim must (a) include the value of the goods delivered to and received by the Debtors in the twenty (20) days prior to the Petition Date, (b) attach documentation identifying which of the Debtors such goods were shipped to and the date such goods were received by such Debtors, (c) state whether the value of the goods asserted in the Proof of Claim represents a combination of goods and services and, if applicable, the percentage of alleged value related to services and related to goods, and (d) attach any documentation identifying the particular invoices for which the section 503(b)(9) claim is being asserted.

Holders of all claims must use the Proof of Claim Form. Proof of Claim Forms may be obtained from the Claims Agent website: <http://www.kccllc.net/weldded>. Proof of Claim Forms may also be obtained from the Court’s website: www.deb.uscourts.gov.

6. CONSEQUENCES OF FAILURE TO FILE A PROOF OF CLAIM BY THE APPLICABLE BAR DATE

EXCEPT WITH RESPECT TO CLAIMS OF THE TYPE SET FORTH IN SECTION 2 ABOVE, OR UNLESS OTHERWISE ORDERED BY THE COURT, ANY HOLDER OF A CLAIM AGAINST ANY OF THE DEBTORS WHO IS REQUIRED, BUT FAILS, TO FILE A PROOF OF SUCH CLAIM IN ACCORDANCE WITH THE BAR DATE ORDER ON OR BEFORE THE APPLICABLE BAR DATE MAY BE FOREVER BARRED, ESTOPPED, AND ENJOINED FROM ASSERTING SUCH CLAIM AGAINST ANY OF THE DEBTORS (OR

FILING A PROOF OF CLAIM WITH RESPECT THERETO), AND MAY NOT BE TREATED AS A CREDITOR WITH RESPECT TO SUCH CLAIM FOR THE PURPOSES OF VOTING AND DISTRIBUTION IN THE CASES.

7. THE DEBTORS' SCHEDULES AND ACCESS THERETO

You may be listed as the holder of a claim against the Debtors in the Schedules. Copies of the Schedules and the Bar Date Order may be examined by interested parties on the Court's electronic docket for the Debtors' Cases, which is available at <http://www.deb.uscourts.gov> (a PACER login and password are required and can be obtained through the PACER Service Center at <http://www.pacer.psc.uscourts.gov>). Additionally, electronic copies of the Schedules and the Bar Date Order may be viewed free of charge at the Debtors' Claims Agent's website at <http://www.kccllc.net/welded>. Copies of the Schedules may also be examined by interested parties between the hours of 8:00 a.m. and 4:00 p.m. (prevailing Eastern Time) at the office of the Clerk of the Bankruptcy Court, United States Bankruptcy Court for the District of Delaware, 824 Market Street, 3rd Floor, Wilmington, Delaware 19801.

8. ADDITIONAL INFORMATION

If you require additional information regarding the filing of a proof of claim, you may contact the Claims Agent's restructuring center for the Debtors at (888) 830-4648 for domestic and Canadian callers or (310) 751-2642 for all other international callers, or submit an inquiry via e-mail to weldedinfo@kccllc.com. Please be advised that the Claims Agent is not permitted to provide legal advice.

Dated: January 11, 2019
Wilmington, Delaware

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Tara C. Pakrouh

M. Blake Cleary (No. 3614)

Sean M. Beach (No. 4070)

Allison S. Mielke (No. 5934)

Tara C. Pakrouh (No. 6192)

Rodney Square, 1000 North King Street

Wilmington, DE 19801

Telephone: (302) 576-3279 Facsimile: (302) 571-1253

Counsel to the Debtors