

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:

WELDED CONSTRUCTION, L.P., *et al.*,<sup>1</sup>

Debtors.

)  
) Chapter 11  
)  
) Case No. 18-12378 (KG)  
)  
) (Jointly Administered)  
)  
) **Hearing Date:**  
) **September 23, 2019 at 10:00 a.m. (ET)**  
)  
) **Response Deadline:**  
) **September 6, 2019 at 4:00 p.m. (ET)**

**DEBTORS' SEVENTH (7TH) OMNIBUS (NON-SUBSTANTIVE) OBJECTION TO  
CLAIMS PURSUANT TO SECTION 502 OF THE BANKRUPTCY CODE,  
BANKRUPTCY RULE 3007 AND LOCAL RULE 3007-1**

**PARTIES RECEIVING THIS OBJECTION SHOULD LOCATE  
THEIR NAMES AND THEIR DISPUTED CLAIMS  
IDENTIFIED ON EXHIBITS A, B, AND C TO THE PROPOSED ORDER**

The above-captioned debtors and debtors in possession (together, the “**Debtors**”) hereby file this objection (this “**Objection**”), pursuant to section 502 of title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.* (the “**Bankruptcy Code**”), Rule 3007 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), and Rule 3007-1 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “**Local Rules**”), to each of the claims filed against the Debtors and their estates that are listed on Exhibits A, B, and C (collectively, the “**Disputed Claims**”)<sup>2</sup> to the proposed form of order attached hereto as Exhibit 2 (the “**Proposed Order**”), and request the entry of the

<sup>1</sup> 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.

<sup>2</sup> The Debtors do not object to any claims listed on Exhibit A to the Proposed Order that are identified under the heading titled “*SURVIVING CLAIMS*” (the “**Surviving Claims**”), and the term “Disputed Claim” as used herein does not include any such Surviving Claim, *unless* a Surviving Claim has been objected to on other grounds herein or in the Debtors’ eighth (8<sup>th</sup>) omnibus objection to claims filed contemporaneously herewith.



Proposed Order disallowing and expunging the Disputed Claims, as indicated in further detail below and on Exhibits A, B, and C to the Proposed Order. In support of this Objection, the Debtors rely on the declaration of Frank A. Pometti (the “**Pometti Declaration**”), a copy of which is attached hereto as Exhibit 1. In further support of this Objection, the Debtors respectfully represent as follows:

### **JURISDICTION AND VENUE**

1. The Court has jurisdiction over these chapter 11 cases and this Motion pursuant to 28 U.S.C. §§ 157 and 1334, and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware dated as of February 29, 2012 (the “**Amended Standing Order**”). This is a core proceeding pursuant to 28 U.S.C. § 157(b) and this is a proceeding for which the Court may enter a final order under Article III of the U.S. Constitution. Venue of these chapter 11 cases and this Motion in this district is proper under 28 U.S.C. §§ 1408 and 1409.

2. The statutory and legal predicates for the relief sought herein are section 502 of the Bankruptcy Code, Bankruptcy Rule 3007 and Local Rule 3007-1.

### **BACKGROUND**

3. On October 22, 2018 (the “**Petition Date**”), each of the Debtors commenced a voluntary case under chapter 11 of the Bankruptcy Code. The Debtors are authorized to operate their businesses and manage their properties as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No request has been made for the appointment of a trustee or examiner. An official committee of unsecured creditors (the “**Committee**”) was appointed on October 30, 2018.

4. On March 22, 2019, the Debtors filed the *Motion of Debtors for Order under 11 U.S.C. §§ 105(a), 363, and 364, Fed. R. Bankr. P. 2002 and 6004 and Del. Bankr. L.R.*

*2002-1, 6004-1, and 9006-1 Authorizing (A) the Sale of Certain Assets of the Debtors Free and Clear of All Claims, Liens, Liabilities, Rights, Interests and Encumbrances; (B) the Debtors to Enter into and Perform their Obligations under the Agency Agreement; and (C) Related Relief* [Docket No. 581] (the “**Sale Motion**”). On April 17, 2019, the Court entered an order [Docket No. 655] (the “**Sale Order**”) granting the relief requested in the Sale Motion and certain related relief. The sale contemplated by the Sale Order (the “**Sale**”) closed on April 19, 2019.

5. Now that the Sale has closed, the Debtors have commenced the claims reconciliation process and are continuing to wind down their business operations and affairs and these chapter 11 cases in an orderly and efficient manner.

6. Additional information regarding the Debtors’ businesses, capital structure, and the circumstances leading to the filing of these chapter 11 cases is set forth in the *Declaration of Frank Pometti in Support of Debtors’ Chapter 11 Petitions and First-Day Motions* [Docket No. 4].

### **DEBTORS’ SCHEDULES**

7. On December 18, 2018, the Debtors filed their Schedules of Assets and Liabilities and Statements of Financial Affairs [Docket Nos. 333, 334, 335 and 336].

8. On July 2, 2019, the Debtors amended certain of their Schedules of Assets and Liabilities [Docket No. 817].

### **PROOFS OF CLAIM AND BAR DATE ORDERS**

9. On October 23, 2018, the Court entered an order [Docket No. 39] appointing Kurtzman Carson Consultants LLC (“**KCC**”) as claims and noticing agent in these chapter 11 cases. Among other things, KCC is authorized to (a) receive, maintain, and record

and otherwise administer the proofs of claim filed in these chapter 11 cases, and (b) maintain official claims registers for the Debtors.

10. On January 10, 2019, the Court entered an order [Docket No. 403] (the “**Bar Date Order**”) providing that, except as otherwise provided therein, (i) all persons or entities (including, without limitation, individuals, partnerships, corporations, joint ventures, and trusts) that assert a claim, as defined in section 101(5) of the Bankruptcy Code, against the Debtors, including, without limitation, secured claims, and priority claims, which arose on or prior to the Petition Date, including requests for allowance and payment of claims under section 503(b)(9) of the Bankruptcy Code, shall file a proof of any such claim so that it is actually received on or before 5:00 p.m. (prevailing Eastern Time) on February 28, 2019 (the “**General Bar Date**”), and (ii) all governmental units, as defined in section 101(27) of the Bankruptcy Code, shall file a proof of any such claim so that it is actually received on or before 5:00 p.m. (prevailing Eastern Time) on April 22, 2019 (the “**Government Bar Date**”).

11. The Bar Date Order also provides that if the Debtors amend or supplement the Schedules subsequent to the date of service of the Bar Date Notice (as defined in the Bar Date Order), then the Debtors shall give notice of any such amendment or supplement to the holders of claims affected thereby, and such holders shall be afforded the later of (i) the General Bar Date or (ii) 5:00 p.m. (prevailing Eastern Time) on the date that is thirty (30) days from the date on which such notice is given, to file proofs of claim in respect of their claims (the “**Amended Schedules Bar Date**”).

12. Additionally, pursuant to the Bar Date Order, except as otherwise provided by another order of the Court, any person or entity that holds a claim (each, a “**Rejection Damages Claim**”) that arises from the rejection of an executory contract or

unexpired lease must file a proof of claim based on such rejection on or before the later of (i) the General Bar Date or (ii) 5:00 p.m. (prevailing Eastern Time) on the date that is thirty-five (35) days following the entry of the order approving the rejection of the executory contract or unexpired lease pursuant to which the entity asserting the Rejection Damages Claim is a party (the “**Rejection Bar Date**”).

13. On March 11, 2019, the Court entered an order [Docket No. 554] (the “**Administrative Bar Date Order**”) establishing a deadline for persons and entities (including, without limitation, individuals, partnerships, corporations, joint ventures, trusts, and governmental units) to file requests for allowance of administrative expense claims pursuant to sections 365 or 503(b) of the Bankruptcy Code or otherwise, other than a claim arising under section 503(b)(9) of the Bankruptcy Code (“**Administrative Expense Claims**”). Pursuant to the Administrative Bar Date Order, April 30, 2019 at 5:00 p.m. (ET) was the deadline for any Administrative Expense Claims that arose during the period from the Petition Date through and including March 31, 2019 to be filed (collectively with the General Bar Date, the Government Bar Date, the Amended Schedules Bar Date, and the Rejection Bar Date, the “**Bar Dates**”).

14. Notice of the Bar Dates was provided by mail and publication in accordance with the procedures outlined in the Bar Date Order and the Administrative Bar Date Order, as applicable.

### **RELIEF REQUESTED**

15. By this Objection, the Debtors request that the Court enter the Proposed Order, pursuant to section 502(b) of the Bankruptcy Code, Bankruptcy Rule 3007 and Local Rule 3007-1, disallowing and expunging the Disputed Claims, as indicated in further detail below and on Exhibits A, B, and C to the Proposed Order.

16. In accordance with Local Rule 3007-1(e)(i)(E), the Debtors believe that this Objection complies in all material respects with Local Rule 3007-1.

### **OBJECTION TO DISPUTED CLAIMS**

#### **A. Amended Claims**

17. The claims identified under the heading titled “*DISPUTED CLAIMS*” on Exhibit A to the Proposed Order (collectively, the “**Amended Claims**”) have been amended and superseded by a subsequently-filed proof of claim identified under the heading titled “*SURVIVING CLAIMS*” on Exhibit A to the Proposed Order. The Amended Claims thus no longer represent valid claims against the Debtors’ estates. Pursuant to Bankruptcy Rule 3007(d), a debtor may object to claims and seek their disallowance where such claims “have been amended by subsequently filed proofs of claim.” Fed. R. Bankr. P. 3007(d)(3). Any failure to disallow the Amended Claims will result in the applicable claimant potentially receiving an unwarranted double recovery against the Debtors’ estates, to the detriment of other creditors in these chapter 11 cases.

18. Accordingly, the Debtors object to the Amended Claims, and request entry of the Proposed Order disallowing and expunging the Amended Claims.

#### **B. Incorrect Debtor Claim**

19. After reconciling it against the Debtors’ books and records, the Debtors have determined that the claim identified on Exhibit B to the Proposed Order (the “Incorrect Debtor Claim”) was filed against the wrong Debtor entity. As a result, the Debtors believe that the Incorrect Debtor Claim should be reassigned to the Debtor entity indicated in the column under the heading “*MODIFIED DEBTOR*” on Exhibit B to the Proposed Order. Pursuant to Bankruptcy Rule 3007(d), a debtor may object to claims and seek their disallowance where such

claims “have been filed in the wrong case.” Fed. R. Bankr. P. 3007(d)(2). Any failure to reassign the Incorrect Debtor Claim to the correct Debtor, as indicated on Exhibit B to the Proposed Order, will result in claim being improperly asserted against the estate of the other Debtor.

20. Accordingly, the Debtors object to the Incorrect Debtor Claim, and request entry of the Proposed Order reassigning the Incorrect Debtor Claim, as indicated on Exhibit B to the Proposed Order.

**C. Late Claim**

21. The Disputed Claim listed on Exhibit C to the Proposed Order (the “Late Claim”) was filed after the applicable Bar Date, despite the claimant having received timely and sufficient notice thereof. See Docket No. 407. The claimant has provided no justification (as it must) for this delay and its failure to abide by the applicable Bar Date. Accordingly, the Debtors object to the Late Claim, and request entry of the Proposed Order disallowing and expunging the Late Claim.

**RESPONSES TO THIS OBJECTION**

22. Any responses to this Objection must be filed **on or before 4:00 p.m. (ET) on September 6, 2019**, in accordance with the procedures set forth in the notice of this Objection.

**RESERVATION OF RIGHTS**

23. The Debtors reserve the right to adjourn the hearing on any Disputed Claim, and in the event that the Debtors do so, the Debtors will state the same in the agenda for the hearing on that Disputed Claim, which agenda will be served on the claimant.

24. The Debtors and their estates reserve any and all rights to amend, supplement or otherwise modify this Objection, the Proposed Order, or Exhibits A, B, and C thereto, and to file additional objections to any and all claims filed in these chapter 11 cases, including, without limitation, any and all of the Disputed Claims and the Surviving Claims. The Debtors and their estates also reserve any and all rights, claims and defenses with respect to any and all of the Disputed Claims and the Surviving Claims, and nothing included in or omitted from this Objection, the Proposed Order, or Exhibits A, B, and C thereto is intended or shall be deemed to impair, prejudice, waive or otherwise affect any rights, claims, or defenses of the Debtors and their estates with respect to the Disputed Claims and the Surviving Claims.

**NOTICE**

25. Notice of this Objection has been provided to: (i) the Office of the United States Trustee for the District of Delaware; (ii) counsel to the Committee; (iii) all parties who, as of the filing of this Objection, have filed a notice of appearance and request for service of papers pursuant to Bankruptcy Rule 2002; and (iv) the claimants whose Disputed Claims are subject to this Objection. The Debtors submit that, in light of the nature of the relief requested, no other or further notice need be given.



**CONCLUSION**

WHEREFORE, for the reasons set forth herein, the Debtors respectfully request that the Court (a) enter the Proposed Order, and (b) grant such other and further relief as may be just and proper.

Dated: August 23, 2019  
Wilmington, Delaware

YOUNG CONAWAY STARGATT & TAYLOR, LLP

*/s/ Betsy L. Feldman*

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Sean M. Beach (No. 4070)  
Robert F. Poppiti, Jr. (No. 5052)  
Allison S. Mielke (No. 5934)  
Betsy L. Feldman (No. 6410)  
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Facsimile: (302) 571-1253

*Counsel to the Debtors*

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

In re:

WELDED CONSTRUCTION, L.P., *et al.*,<sup>1</sup>

Debtors.

)  
) Chapter 11  
)  
) Case No. 18-12378 (KG)  
)  
) (Jointly Administered)  
)  
) **Hearing Date:**  
) **September 23, 2019 at 10:00 a.m. (ET)**  
)  
) **Response Deadline:**  
) **September 6, 2019 at 4:00 p.m. (ET)**

**NOTICE OF DEBTORS' SEVENTH (7TH) OMNIBUS (NON-SUBSTANTIVE)  
OBJECTION TO CLAIMS PURSUANT TO SECTION 502 OF THE BANKRUPTCY  
CODE, BANKRUPTCY RULE 3007 AND LOCAL RULE 3007-1**

**PARTIES RECEIVING THIS NOTICE SHOULD LOCATE  
THEIR NAMES AND THEIR DISPUTED CLAIMS IDENTIFIED  
ON EXHIBITS A, B, AND C TO THE PROPOSED ORDER**

TO: (I) THE OFFICE OF THE UNITED STATES TRUSTEE FOR THE DISTRICT OF DELAWARE; (II) COUNSEL TO THE COMMITTEE; (III) ALL PARTIES WHO, AS OF THE FILING OF THE OBJECTION, HAVE FILED A NOTICE OF APPEARANCE AND REQUEST FOR SERVICE OF PAPERS PURSUANT TO BANKRUPTCY RULE 2002; AND (IV) THE CLAIMANTS WHOSE DISPUTED CLAIMS ARE SUBJECT TO THE OBJECTION

**PLEASE TAKE NOTICE** that the above-captioned debtors and debtors in possession (collectively, the “**Debtors**”) have filed the attached *Debtors’ Seventh (7th) Omnibus (Non-Substantive) Objection to Claims Pursuant to Section 502 of the Bankruptcy Code, Bankruptcy Rule 3007 and Local Rule 3007-1* (the “**Objection**”).<sup>2</sup>

**PLEASE TAKE FURTHER NOTICE** that any responses (each, a “**Response**”) to the relief requested in the Objection must be filed on or before **September 6, 2019 at 4:00 p.m. (ET)** (the “**Response Deadline**”) with the United States Bankruptcy Court for the District of Delaware, 824 N. Market Street, 3<sup>rd</sup> Floor, Wilmington, Delaware 19801. At the same time,

<sup>1</sup> 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.

<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Objection.

any party submitting a Response (each, a “**Respondent**”) must serve a copy of its Response upon the undersigned counsel to the Debtors so as to be received on or before the Response Deadline.

**PLEASE TAKE FURTHER NOTICE** that any Response must contain, at a minimum, the following:

- a. a caption setting forth the name of the Court, the above-referenced case number and the title of the Objection to which the Response is directed;
- b. the name of the Respondent and a description of the basis for the amount and classification asserted in the Disputed Claim, if applicable;
- c. a concise statement setting forth the reasons why the particular Disputed Claim should not be disallowed, reclassified or otherwise modified for the reasons set forth in the Objection, including, but not limited to, the specific factual and legal bases upon which the Respondent will rely in opposing the Objection at any hearing thereon;
- d. all documentation or other evidence of the particular Disputed Claim or asserted amount and classification thereof, to the extent not already included with the proof of claim previously filed, upon which the Respondent will rely in opposing the Objection at any hearing thereon; and
- e. the name, address, telephone number and email address of the person(s) (who may be the Respondent or a legal representative thereof) (i) possessing ultimate authority to reconcile, settle or otherwise resolve the Disputed Claim on behalf of the Respondent and (ii) to whom the Debtors should serve any reply to the Response.

**PLEASE TAKE FURTHER NOTICE THAT A HEARING ON THE OBJECTION (THE “HEARING”) WILL BE HELD ON SEPTEMBER 23, 2019 AT 10:00 A.M. (ET) BEFORE THE HONORABLE KEVIN GROSS IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE, 824 N. MARKET STREET, 6TH FLOOR, COURTROOM NO. 3, WILMINGTON, DELAWARE 19801.**

**PLEASE TAKE FURTHER NOTICE THAT IF YOU ARE A CLAIMANT AND FAIL TO TIMELY FILE AND SERVE A RESPONSE IN ACCORDANCE WITH THE ABOVE REQUIREMENTS, YOU WILL BE DEEMED TO HAVE CONCURRED WITH AND CONSENTED TO THE OBJECTION AND THE RELIEF REQUESTED THEREIN, AND THE DEBTORS WILL PRESENT TO THE COURT, WITHOUT FURTHER NOTICE TO YOU, THE PROPOSED ORDER SUSTAINING THE OBJECTION.**

**PLEASE TAKE FURTHER NOTICE** THAT QUESTIONS CONCERNING THE OBJECTION SHOULD BE DIRECTED TO THE UNDERSIGNED COUNSEL FOR THE DEBTORS, TO THE ATTENTION OF BETSY L. FELDMAN. CLAIMANTS SHOULD NOT CONTACT THE CLERK OF THE COURT TO DISCUSS THE MERITS OF THEIR DISPUTED CLAIMS OR THE OBJECTION.

Dated: August 23, 2019  
Wilmington, Delaware

YOUNG CONAWAY STARGATT & TAYLOR, LLP

*/s/ Betsy L. Feldman*

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Sean M. Beach (No. 4070)  
Robert F. Poppiti, Jr. (No. 5052)  
Allison S. Mielke (No. 5934)  
Betsy L. Feldman (No. 6410)  
Rodney Square  
1000 North King Street  
Wilmington, DE 19801  
Telephone: (302) 571-6600  
Facsimile: (302) 571-1253

*Counsel to the Debtors*

**EXHIBIT 1**

**Pometti Declaration**

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

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In re:

WELDED CONSTRUCTION, L.P., *et al.*,<sup>1</sup>

Debtors.

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)  
) Chapter 11  
)  
) Case No. 18-12378 (KG)  
)  
) (Jointly Administered)  
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)

**DECLARATION OF FRANK A. POMETTI IN SUPPORT OF  
DEBTORS' SEVENTH (7TH) OMNIBUS (NON-SUBSTANTIVE) OBJECTION TO  
CLAIMS PURSUANT TO SECTION 502 OF THE BANKRUPTCY CODE,  
BANKRUPTCY RULE 3007 AND LOCAL RULE 3007-1**

I, Frank A. Pometti, pursuant to 28 U.S.C. § 1746, declare:

1. I am the Chief Restructuring Officer of the above-captioned debtors and debtors-in-possession (collectively, the “**Debtors**”). I am one of the persons responsible for overseeing the claims reconciliation and objection process in these chapter 11 cases. I have read the *Debtors’ Seventh (7th) Omnibus (Non-Substantive) Objection to Claims Pursuant to Section 502 of the Bankruptcy Code, Bankruptcy Rule 3007 and Local Rule 3007-1* (the “**Objection**”),<sup>2</sup> and am directly, or by and through other personnel or representatives of the Debtors, reasonably familiar with the information contained therein, the Proposed Order, and the exhibit attached to the Proposed Order. I am authorized to execute this declaration on behalf of the Debtors.

2. Considerable resources and time have been expended in reviewing and reconciling the proofs of claim filed or pending against the Debtors and their estates in these

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<sup>1</sup> 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.

<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Objection.

chapter 11 cases. The Disputed Claims were carefully reviewed and analyzed in good faith utilizing due diligence by the appropriate personnel and representatives of the Debtors. These efforts resulted in the identification of the Disputed Claims.

3. The information contained in Exhibits A, B, and C to the Proposed Order is true and correct to the best of my knowledge, information and belief.

4. The Debtors have objected to the Amended Claims on the basis that they have been amended and superseded by the Surviving Claims, which assert the same claimed liability as was asserted in the Amended Claims. Based on a review of the proofs of claim, the Debtors reasonably believe that the applicable claimants intended that their Amended Claim be expunged and replaced by the applicable Surviving Claim.

5. Through a review of the claims register in these chapter 11 cases, the Debtors have determined that the Incorrect Debtor Claim was filed against the wrong Debtor entity. Thus, the Debtors seek to reassign the Incorrect Debtor Claim to the correct Debtor entity.

6. The Debtors have determined based upon a review of the claims register that the Late Claim was filed after the applicable Bar Date, despite the claimant having received timely and sufficient notice thereof. Accordingly, to prevent the claimant from potentially receiving an unwarranted recovery from the Debtors' estates, the Debtors seek to disallow and expunge the Late Claim.

7. I declare under penalty of perjury that the foregoing information is true and correct to the best of my knowledge, information and belief.

Executed on August 23, 2019

/s/ Frank A. Pometti  
Frank A. Pometti  
Chief Restructuring Officer

**EXHIBIT 2**

**Proposed Order**



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

In re:

WELDED CONSTRUCTION, L.P., *et al.*,<sup>1</sup>

Debtors.

## Chapter 11

Case No. 18-12378 (KG)

(Jointly Administered)

**Ref. Docket No.** \_\_\_\_\_

**ORDER SUSTAINING DEBTORS' SEVENTH (7TH) OMNIBUS (NON-SUBSTANTIVE)  
OBJECTION TO CLAIMS PURSUANT TO SECTION 502 OF THE  
BANKRUPTCY CODE, BANKRUPTCY RULE 3007 AND LOCAL RULE 3007-1**

Upon consideration of the *Debtors' Seventh (7th) Omnibus (Non-Substantive) Objection to Claims Pursuant to Section 502 of the Bankruptcy Code, Bankruptcy Rule 3007 and Local Rule 3007-1* (the “**Objection**”)<sup>2</sup> and the Pometti Declaration; and it appearing that this Court has jurisdiction to consider the Objection pursuant to 28 U.S.C. §§ 157 and 1334 and the Amended Standing Order; and it appearing that venue of these chapter 11 cases and the Objection in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that this matter is a core proceeding pursuant to 28 U.S.C. § 157(b); and this Court having determined that the relief requested in the Objection is in the best interests of the Debtors, their estates, their creditors and other parties in interest; and it appearing that notice of the Objection was good and sufficient upon the particular circumstances and that no other or further notice need be given; and upon the record herein; and after due deliberation thereon and good and

<sup>1</sup> 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.

<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Objection.

sufficient cause appearing therefor; it is hereby **ORDERED, ADJUDGED, AND DECREED THAT:**

1. The Objection is SUSTAINED, as set forth herein.
2. The Amended Claims identified on Exhibit A to this Order are hereby disallowed and expunged.
3. The Incorrect Debtor Claim identified on Exhibit B to this Order is hereby reassigned to the Debtor indicated under the heading “*MODIFIED DEBTOR*” on Exhibit B to this Order.
4. The Late Claim identified on Exhibit C to this Order is hereby disallowed and expunged.
5. The Debtors’ objection to each Disputed Claim addressed in the Objection constitutes a separate contested matter as contemplated by Bankruptcy Rule 9014. This Order shall be deemed a separate Order with respect to each claim. Any stay of this Order pending appeal by any of the claimants subject to this Order shall only apply to the contested matter which involves such claimant and shall not act to stay the applicability and/or finality of this Order with respect to the other contested matters covered hereby.
6. Any and all rights of the Debtors and their estates to amend, supplement, or otherwise modify the Objection and to file additional objections to any and all claims filed in these chapter 11 cases, including, without limitation, any and all of the Disputed Claims and the Surviving Claims, shall be reserved. Any and all rights, claims and defenses of the Debtors and their estates with respect to any and all of the Disputed Claims and the Surviving Claims shall be reserved, and nothing included in or omitted from the Objection is intended or shall be deemed

to impair, prejudice, waive or otherwise affect any rights, claims, or defenses of the Debtors and their estates with respect to the Disputed Claims and the Surviving Claims.

7. This Court shall retain jurisdiction over any and all affected parties with respect to any and all matters, claims or rights arising from or related to the implementation or interpretation of this Order.

**EXHIBIT A**<sup>1</sup>

**Amended Claims**

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<sup>1</sup> Capitalized terms used but not otherwise defined on Exhibit A shall have the meanings ascribed to such terms in the Objection.

**EXHIBIT A - AMENDED CLAIMS**

SEQ. NO.	NAME	DEBTOR NAME	DISPUTED CLAIMS			SURVIVING CLAIMS		
			CLAIM NUMBER	CLAIM AMOUNT	CLAIM CLASS	CLAIM NUMBER	CLAIM AMOUNT	CLAIM CLASS
1	JOHN DEERE FINANCIAL, F.S.B., D/B/A JOHN DEERE FINANCIAL PO BOX 6600 JOHNSTON, IA 50131	Welded Construction, L.P.	72	\$523,242.49	UNSECURED	827	\$105,451.79	UNSECURED
				\$0.00	SECURED		\$0.00	SECURED
				\$0.00	PRIORITY		\$0.00	PRIORITY
				\$0.00	ADMINISTRATIVE		\$0.00	ADMINISTRATIVE
				\$523,242.49	TOTAL		\$105,451.79	TOTAL
2	JTW, INC. 1855 EARTH BORING P.O. BOX 444 MANSFIELD, OH 44901	Welded Construction, L.P.	475	\$190,530.98	UNSECURED	826	\$46,073.25	UNSECURED
				\$0.00	SECURED		\$0.00	SECURED
				\$0.00	PRIORITY		\$0.00	PRIORITY
				\$0.00	ADMINISTRATIVE		\$0.00	ADMINISTRATIVE
				\$190,530.98	TOTAL		\$46,073.25	TOTAL

**EXHIBIT B**<sup>1</sup>

**Incorrect Debtor Claim**

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<sup>1</sup> Capitalized terms used but not otherwise defined on Exhibit B shall have the meanings ascribed to such terms in the Objection.

EXHIBIT B - INCORRECT DEBTOR CLAIM

SEQ. NO.	NAME	DATE CLAIM FILED	CLAIM NUMBER	ASSERTED CLAIM AMOUNT					ASSERTED DEBTOR	MODIFIED DEBTOR	REASON
				UNSECURED	SECURED	PRIORITY	ADMINISTRATIVE	TOTAL			
1	SOUTHERN OKLAHOMA SAFETY SERVICES 2200 S. CAMPBELL CREEK RD PO BOX 488 SAND SPRINGS, OK 74063	11/8/2018	43	\$106,328.59	\$0.00	\$0.00	\$0.00	\$106,328.59	Welded Construction Michigan, LLC	Welded Construction, L.P.	Claim should be asserted against Debtor Welded Construction, L.P.

**EXHIBIT C**<sup>1</sup>

**Late Claim**

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<sup>1</sup> Capitalized terms used but not otherwise defined on Exhibit C shall have the meanings ascribed to such terms in the Objection.



**EXHIBIT C - LATE CLAIM**

SEQ. NO.	NAME	DATE CLAIM FILED	CLAIM NUMBER	CLAIM AMOUNT	CLAIM CLASS	DEBTOR NAME
1	ENVIRONMENTAL RECOVERY CORPORATION MARK A. ROTHENBERGER 1076 OLD MANHEIM PIKE LANCASTER, PA 17601	7/18/2019	817	\$12,174.39 \$0.00 \$0.00 \$960.50 \$13,134.89	UNSECURED SECURED PRIORITY ADMINISTRATIVE TOTAL	Welded Construction, L.P.