

**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)
)	
)	<u>Objection Deadline:</u>
)	December 9, 2019 at 4:00 p.m. (ET)
)	
)	<u>Hearing Date:</u>
)	December 16, 2019 at 3:00 p.m. (ET)

**DEBTORS’ MOTION FOR AN ORDER AMENDING CASE CAPTION TO
REFLECT CHANGE OF ADDRESS *NUNC PRO TUNC* TO NOVEMBER 21, 2019**

Welded Construction, L.P. and Welded Construction Michigan, LLC, debtors and debtors in possession (the “**Debtors**”) in the above-captioned chapter 11 cases (the “**Chapter 11 Cases**”), hereby submit this motion (the “**Motion**”) for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “**Proposed Order**”), pursuant to section 105(a) of title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.* (the “**Bankruptcy Code**”), Rules 2002(m) and 2002(n) of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), and Rule 9004-1(c) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “**Local Rules**”), authorizing the Debtors to amend the caption used in the Chapter 11 Cases to reflect their recent change of address. In support of this Motion, the Debtors respectfully represent as follows.

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 P.O. Box 470, Perrysburg, OH 43552-0470.

JURISDICTION AND VENUE

1. The United States Bankruptcy Court for the District of Delaware (the “**Court**”) has jurisdiction over the Chapter 11 Cases and the 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. This is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2). Venue of the Chapter 11 Cases and the Motion in this district is proper under 28 U.S.C. §§ 1408 and 1409.

2. Pursuant to Rule 9013-1(f) of the Local Rules, the Debtors consent to the entry of a final judgment or order with respect to the Motion if it is determined that the Court, absent consent of the parties, cannot enter final orders or judgments consistent with Article III of the United States Constitution.

3. The statutory and legal predicates for the relief requested herein are section 105(a) of the Bankruptcy Code, Bankruptcy Rules 2002 and 9004, and Local Rule 9004-1(c).

BACKGROUND

4. On October 22, 2018 (the “**Petition Date**”), each of the Debtors commenced a voluntary case under chapter 11 of the Bankruptcy Code.

5. The Debtors are authorized to operate their business and manage their property as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. To date, no trustee or examiner has been requested or appointed in the Chapter 11 Cases. No request has been made for the appointment of a trustee or examiner. On October 30, 2018, the Office of the United States Trustee for the District of Delaware (the “**U.S. Trustee**”) appointed an official committee of unsecured creditors (the “**Committee**”).

6. Additional information regarding the Debtors’ businesses, capital structure, and the circumstances leading to the filing of the 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], which is incorporated herein by reference.

7. The Debtors sold their corporate headquarters on November 21, 2019. Consequently, the Debtors' mailing address has changed to P.O. Box 470, Perrysburg, OH 43552-0470.

RELIEF REQUESTED

8. By this Motion, the Debtors seek entry of the Proposed Order, authorizing the Debtors to change the caption in the Chapter 11 Cases to reflect the aforementioned change of address. The Debtors request that, as set forth in the Proposed Order, (i) the case caption used in the Chapter 11 Cases be amended to reflect the Debtors' change of address, and (ii) the Court authorize and direct the Clerk of the United States Bankruptcy Court for the District of Delaware (the "**Clerk of the Court**") and other parties in interest to take any actions that are necessary to update the ECF filing system and their respective records to reflect the change, including the insertion of a docket entry in each of the Chapter 11 Cases announcing the change.

BASIS FOR RELIEF REQUESTED

9. Bankruptcy Rule 2002(n) provides, in pertinent part, "The caption of every notice required to be given by the debtor to a creditor shall include the information required to be in the notice by § 342(c) of the Code." FRBP 2002(n).

10. In turn, section 342(c) of the Bankruptcy Code requires that every notice required to be given by a debtor to a creditor include "the name, address, and last 4 digits of the taxpayer identification number of the debtor." 11 U.S.C. 342(c). Therefore, the Debtors' address is a required component of the caption.

11. In addition, Local Rule 9004-1 provides that, “The case caption only may be modified by order entered by the Court on separate motion filed and served in accordance with Local Rule 9006-1.” Del. Bankr. L.R. 9004-1(c).

12. On October 23, 2018, the Court entered an order [Docket No. 33] approving, as part of the joint administration of the Debtors’ Chapter 11 Cases, the caption for the Chapter 11 Cases, which included, among other things, the Debtors’ former address, which was 26933 Eckel Road, Perrysburg, Ohio 43551. However, as set forth above, as of November 21, 2019, the Debtors have sold their corporate headquarters and changed their mailing address to P.O. Box 470, Perrysburg, OH 43552-0470. As such, it is necessary to amend the caption, *nunc pro tunc* to November 21, 2019, to replace the address currently set forth therein with the Debtors’ new mailing address. For this reason, the Debtors respectfully submit that the relief requested herein is necessary and appropriate to satisfy Bankruptcy Rule 2002(n) and Local Rule 9004-1(c).

NOTICE

13. The Debtors will provide notice of this Motion to: (i) the U.S. Trustee; (ii) counsel to the Committee; (iii) all parties who, as of the filing of this Motion, have filed a notice of appearance and request for service of papers pursuant to Bankruptcy Rule 2002. In light of the nature of the relief requested herein, the Debtors submit that no other or further notice is necessary.

WHEREFORE, the Debtors respectfully request that the Court grant the relief requested herein, and such other and further relief as it deems just and proper.

Dated: November 27, 2019
Wilmington, Delaware

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Allison S. Mielke

Sean M. Beach (No. 4070)
Matthew B. Lunn (No. 4119)
Robert F. Poppiti, Jr. (No. 5052)
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Counsel to the Debtors

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

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WELDED CONSTRUCTION, L.P., <i>et al.</i> , ¹)	Case No. 18-12378 (KG)
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)	December 9, 2019 at 4:00 p.m. (ET)
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)	December 16, 2019 at 3:00 p.m. (ET)

NOTICE OF MOTION

TO: (I) THE U.S. TRUSTEE; (II) COUNSEL TO THE COMMITTEE; AND (III) ALL PARTIES WHO, AS OF THE FILING OF THE MOTION, HAVE FILED A NOTICE OF APPEARANCE AND REQUEST FOR SERVICE OF PAPERS PURSUANT TO BANKRUPTCY RULE 2002

PLEASE TAKE NOTICE that the above-captioned debtors and debtors in possession (collectively, the “Debtors”) have filed the attached *Debtors’ Motion for an Order Amending Case Caption to Reflect Change of Address Nunc Pro Tunc to November 21, 2019* (the “Motion”).

PLEASE TAKE FURTHER NOTICE that any objections to the Motion must be filed on or before **December 9, 2019 at 4:00 p.m. (ET)** (the “Objection Deadline”) with the United States Bankruptcy Court for the District of Delaware, 3rd Floor, 824 Market Street, Wilmington, Delaware 19801. At the same time, you must serve a copy of any objection upon the undersigned counsel to the Debtors so as to be received on or before the Objection Deadline.

PLEASE TAKE FURTHER NOTICE THAT A HEARING TO CONSIDER THE MOTION WILL BE HELD ON **DECEMBER 16, 2019 AT 3:00 P.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.

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 P.O. Box 470, Perrysburg, OH 43552-0470.

PLEASE TAKE FURTHER NOTICE THAT, IF YOU FAIL TO RESPOND IN ACCORDANCE WITH THIS NOTICE, THEN THE COURT MAY GRANT THE RELIEF REQUESTED IN THE MOTION WITHOUT FURTHER NOTICE OR A HEARING.

Dated: November 27, 2019
Wilmington, Delaware

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Allison S. Mielke

Sean M. Beach (No. 4070)
Matthew B. Lunn (No. 4119)
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1000 North King Street
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Counsel to the Debtors

EXHIBIT A

Proposed Order

**IN THE UNITED STATES BANKRUPTCY COURT
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WELDED CONSTRUCTION, L.P., <i>et al.</i> , ¹)	Case No. 18-12378 (KG)
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Debtors.)	
)	Ref. Docket No. _____
)	

**ORDER AMENDING CASE CAPTION TO REFLECT
CHANGE OF ADDRESS *NUNC PRO TUNC* TO NOVEMBER 21, 2019**

Upon consideration of the motion (the “**Motion**”)² of Welded Construction, L.P. and Welded Construction, LLC, debtors and debtors in possession (the “**Debtors**”) in the above-captioned chapter 11 cases (the “**Chapter 11 Cases**”), for entry of an order, pursuant to section 105(a) of the Bankruptcy Code, Bankruptcy Rules 2002(m) and 2002(n), and Local Rule 9004-1(c), authorizing the Debtors to amend the case caption used in the Chapter 11 Cases; and due and proper notice of the Motion having been given; and having found that no other or further notice of the Motion is required; and having found that the Court has jurisdiction to consider the Motion in accordance with 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 February 29, 2012; and having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2) and having determined that this Court may enter a final order consistent with Article III of the United States Constitution; and that venue of this proceeding and the Motion is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and after due deliberation and sufficient cause appearing therefor,

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 P.O. Box 470, Perrysburg, OH 43552-0470.

IT IS HEREBY ORDERED THAT:

1. The Motion is **GRANTED** as set forth herein.
2. The Clerk of the Court is authorized and directed to make a docket entry in case number 18-12378 (KG) as soon as possible that states substantially as follows: “An order has been entered in this case directing that the caption of this case be changed, as a result of the Debtors’ change of address, to P.O. Box 470, Perrysburg, OH 43552-0470.”
3. Effective as of November 21, 2019, the new caption of the Chapter 11 Cases shall read as follows:

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

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)	
WELDED CONSTRUCTION, L.P., <i>et al.</i> , ¹)	Case No. 18-12378 (KG)
)	
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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 P.O. Box 470, Perrysburg, OH 43552-0470.

4. The foregoing caption shall satisfy the requirements of section 342(c)(1) of the Bankruptcy Code.
5. The Debtors are authorized and empowered to take all actions necessary to implement the relief granted in this Order.

² Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion.

6. The Court shall retain jurisdiction with respect to all matters arising from or related to the implementation of this Order.