

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 (CSS)
)	
Debtors.)	(Jointly Administered)
)	
)	Ref. Docket No. 117 & 231
)	

**CERTIFICATION OF COUNSEL REGARDING *PROPOSED* ORDER INCREASING
OCP CAP WITH RESPECT TO LEWIS BRISBOIS BISGAARD & SMITH LLP**

On October 29, 2018, the above-captioned debtors and debtors-in-possession (collectively, the “**Debtors**”) filed the *Debtors’ Motion for an Order Authorizing the Debtors to Retain, Employ, and Compensate Certain Professionals Utilized in the Ordinary Course of Business, Effective as of the Petition Date* [Docket No. 117] (the “**Motion**”). On November 15, 2018, the Court entered an order approving the Motion [Docket No. 231] (the “**OCP Order**”).²

The Debtors were recently advised that one of the OCPs, Lewis Brisbois Bisgaard & Smith LLP (“**Lewis Brisbois**”), has exceeded the OCP Cap (currently \$35,000 per month, on average, over the prior rolling three-month period) by approximately \$4,000, and would likely do so moving forward. In light of this, attached hereto as Exhibit A is a proposed form of order (the “**Proposed Order**”) increasing the OCP Cap to \$40,000 per month, on average, over the prior rolling three-month period solely for Lewis Brisbois. The increase would be effective retroactive to October 1, 2019. The Debtors submit that entry of the Proposed Order is appropriate and in

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. The mailing address for each of the debtors is P.O. Box 470, Perrysburg, OH 43552-0470.

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



the best interests of the Debtors and their estates. The Office of the United States Trustee for the District of Delaware and the Official Committee of Unsecured Creditors do not object to the Court's entry of the Proposed Order under certification of counsel.

Accordingly, the Debtors respectfully request that the Court enter the Proposed Order at its earliest convenience without further notice or a hearing.

Dated: February 11, 2020
Wilmington, Delaware

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Robert F. Poppiti, Jr.

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Counsel to the Debtors

EXHIBIT A

Proposed Order

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

In re:

WELDED CONSTRUCTION, L.P., *et al.*,¹

Debtors.

)

) Chapter 11

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) Case No. 18-12378 (CSS)

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) (Jointly Administered)

)

) **Ref. Docket No. 117, 231 & ____**

)

**ORDER INCREASING OCP CAP WITH RESPECT
TO LEWIS BRISBOIS BISGAARD & SMITH LLP**

Upon consideration of the *Certification of Counsel Regarding Proposed Order Increasing OCP Cap with Respect to Lewis Brisbois Bisgaard & Smith LLP* (the “**Certification**”);² and it appearing that the relief provided for herein is in the best interest of the Debtors and their estates and creditors; and it appearing that notice of the relief provided for herein is appropriate under the circumstances; and after due deliberation and sufficient cause appearing therefor, it is hereby

ORDERED, ADJUDGED, AND DECREED that:

1. Effective as of October 1, 2019, notwithstanding anything to the contrary in the OCP Order, solely with respect to Lewis Brisbois Bisgaard & Smith LLP, the OCP Cap shall be \$40,000 per month, on average, over the prior rolling three-month period.

2. Except as otherwise expressly provided herein, the terms of the OCP Order shall remain in full force and effect.

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

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