

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

In re: WELDED CONSTRUCTION, L.P., Debtor,	Chapter 11 Case No. 18-12378 (CSS) (Jointly Administered)
SUNBELT EQUIPMENT MARKETING, INC. Plaintiff, v. COLUMBIA GAS TRANSMISSION, LLC, TRANSCANADA USA SERVICES INC, and WELDED CONSTRUCTION LP, Defendants.	Adv. Pro. No. 20-50445 (CSS) (Consolidated) Adv. Pro. No. 20-50447 (CSS) Ref.: D.I. 18
SUNBELT TRACTOR & EQUIPMENT COMPANY, INC. Plaintiff, v. COLUMBIA GAS TRANSMISSION, LLC, TRANSCANADA USA SERVICES INC, and WELDED CONSTRUCTION LP, Defendants.	Adv. Pro. No. 20-50446 (CSS) (Consolidated) Adv. Pro. No. 20-50448 (CSS) Ref: D.I. 19

**CERTIFICATION OF COUNSEL REGARDING
STIPULATION TO EXTEND CERTAIN SCHEDULING ORDER DEADLINES**

I, Douglas N. Candeub, an attorney with Morris James LLP, counsel to the Plaintiffs in the above-captioned adversary proceedings (the “Actions”), hereby certify as follows:

1. Plaintiffs Sunbelt Tractor & Equipment Company, Inc. (“STEC”) and Sunbelt Equipment Marketing, Inc. (“SEMI”), defendants Columbia Gas Transmission, LLC (“CGT”)



and TransCanada USA Services Inc.; and nominal defendant Welded Construction LP, are the only parties to the Actions. pending before this Court.

2. On May 5, 2020, the Court entered Scheduling Orders in the consolidated mechanics lien actions brought by STEC and .in the consolidated mechanics lien actions brought by SEMI.

3. The Plaintiff and Defendants have exchanged certain documents and information, but will need more discovery, including depositions. The Parties are entering into a mediation in which they will seek resolve their disputes. The Parties have therefore agreed to a set of extensions of the deadlines in the Scheduling Orders, and have entered into a stipulation (the “Stipulation”), attached hereto as Exhibit A.

4. All counsel in the Actions have approved the Stipulation and the proposed form of order. Accordingly, the Parties hereby respectfully request that the Court enter the proposed order approving the Stipulation, which is attached hereto as Exhibit B.

Dated: November 11, 2020

MORRIS JAMES LLP

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Exhibit A

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

<p>In re:</p> <p>WELDED CONSTRUCTION, L.P.,</p> <p style="text-align: center;">Debtor,</p>	<p>Chapter 11 Case No. 18-12378 (CSS) (Jointly Administered)</p>
<p>SUNBELT EQUIPMENT MARKETING, INC.</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>COLUMBIA GAS TRANSMISSION, LLC, TRANSCANADA USA SERVICES INC, and WELDED CONSTRUCTION LP,</p> <p style="text-align: center;">Defendants.</p>	<p>Adv. Pro. No. 20-50445 (CSS) (Consolidated) Adv. Pro. No. 20-50447 (CSS)</p> <p>Ref.: D.I. 18</p>
<p>SUNBELT TRACTOR & EQUIPMENT COMPANY, INC.</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>COLUMBIA GAS TRANSMISSION, LLC, TRANSCANADA USA SERVICES INC, and WELDED CONSTRUCTION LP,</p> <p style="text-align: center;">Defendants.</p>	<p>Adv. Pro. No. 20-50446 (CSS) (Consolidated) Adv. Pro. No. 20-50448 (CSS)</p> <p>Ref: D.I. 19</p>

STIPULATION TO EXTEND CERTAIN SCHEDULING ORDER DEADLINES

Pursuant to Rule 16.4 of the Local Rules of Civil Practice and Procedure of the United States District Court for the District of Delaware, the Parties¹, by counsel, jointly request this Court to extend certain deadlines in the Scheduling Orders entered on May 5, 2020 in these mechanics lien actions (D.I. 18 in Adv. Pro. # 20-50445; and D.I. 19 in Adv. Pro. # 20-50446) (the

¹ The Parties are comprised of plaintiffs Sunbelt Tractor & Equipment Company, Inc. and Sunbelt Equipment Marketing, Inc.; defendants Columbia Gas Transmission, LLC, and TransCanada USA Services Inc.; and nominal defendant Welded Construction LP.

“Scheduling Orders”) for discovery, expert disclosures, and filing of dispositive motions for good cause shown. In support of this Motion, the Parties state as follows:

1. Under the original Scheduling Orders, the deadline for fact discovery is November 23, 2020 (180 days from the Parties’ discovery planning conference).

2. The Parties have been diligently pursuing written discovery but various delays have occurred through no fault of the Parties, as a result of which the Plaintiffs only received a production of documents from Welded Construction on or about November 6, 2020, which they are beginning to review. Plaintiffs and CGT anticipate that they may require supplemental discovery and/or depositions, including by way of subpoenas upon third party witnesses.

3. The Parties have selected a Mediator and the Court has entered Orders directing the Parties to proceed with their mediation in the next 60 days.

4. Plaintiffs and CGT may not be able to schedule any supplemental discovery or depositions until after the Mediation.

5. In view of the foregoing, the Parties believe that a general 60-day extension of the deadlines in the Scheduling Orders is warranted.

6. Under the Scheduling Orders, all fact discovery shall be completed by a date no later than one hundred and eighty (180) days from the date of the parties’ discovery planning conference (the “Conference Date”).

7. Accordingly, the Parties request that this Court approve the following revisions to the above-described deadlines:

- a. All fact discovery shall be completed by a date no later than two hundred and forty (240) days from the date of the parties’ discovery planning conference (the “Conference Date”);

- b. The parties shall provide expert reports for any issue on which they bear the burden of proof by a date no later than two hundred and seventy (270) days after the Conference Date. The parties shall provide rebuttal expert reports by a date no later than three hundred (300) days after the Conference Date. All reports shall provide the information required by Fed.R.Civ.P. 26(a)(2)(B). All expert discovery shall be completed, and discovery closed, by a date no later than three hundred and twenty (320) days after the Conference Date; and
- c. All dispositive motions shall be filed and served by a date no later than fifteen (15) days after the close of all discovery and shall be subject to Rule 7.1.2 of the Local Rules of Civil Practice and Procedure of the United States District Court for the District of Delaware.

8. Local Rule 16.4 of Civil Procedure states that a request for an extension of deadlines for completion of discovery or postponement of the trial shall be made by motion or stipulation prior to expiration of the deadline.

9. In this matter, the deadlines have not expired and production is taking longer than anticipated by the Parties.

10. Therefore, Parties believe that an extension of the above deadlines is necessary to fully comply with discovery requests that have already been served and any forthcoming discovery requests.

11. Accordingly, good cause exists to extend the deadlines for discovery, expert disclosures, and dispositive motions.

12. The extensions do not affect the trial date or any other dates and deadlines in the Scheduling Orders.

WHEREFORE, for the reasons set forth above, the Parties jointly request this Court, for good cause shown, extend the discovery deadlines, expert disclosure deadlines, and dispositive motions deadlines as described above.

Dated: Wilmington, Delaware
November 11, 2020

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Exhibit B

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

<p>In re:</p> <p>WELDED CONSTRUCTION, L.P.,</p> <p style="text-align: center;">Debtor,</p>	<p>Chapter 11 Case No. 18-12378 (CSS) (Jointly Administered)</p>
<p>SUNBELT EQUIPMENT MARKETING, INC.</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>COLUMBIA GAS TRANSMISSION, LLC, TRANSCANADA USA SERVICES INC, and WELDED CONSTRUCTION LP,</p> <p style="text-align: center;">Defendants.</p>	<p>Adv. Pro. No. 20-50445 (CSS) (Consolidated) Adv. Pro. No. 20-50447 (CSS)</p> <p>Ref.: D.I. 18, __</p>
<p>SUNBELT TRACTOR & EQUIPMENT COMPANY, INC.</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>COLUMBIA GAS TRANSMISSION, LLC, TRANSCANADA USA SERVICES INC, and WELDED CONSTRUCTION LP,</p> <p style="text-align: center;">Defendants.</p>	<p>Adv. Pro. No. 20-50446 (CSS) (Consolidated) Adv. Pro. No. 20-50448 (CSS)</p> <p>Ref: D.I. 19, __</p>

**ORDER APPROVING STIPULATION TO EXTEND CERTAIN
SCHEDULING ORDER DEADLINES**

This matter having been presented to the Court upon the Stipulation between and among the Parties¹ in the above-captioned adversary proceedings, through their respective counsel, to extend certain deadlines in the Scheduling Orders entered in these proceedings (the Stipulation”);

¹ Unless otherwise stated, capitalized terms have the meaning ascribed to them in the Stipulation.

and it appearing that good and sufficient notice has been given; and after due deliberation and sufficient cause appearing therefor;

IT IS ORDERED that the Stipulation is hereby approved in its entirety;

IT IS FURTHER ORDERED that:

All fact discovery shall be completed by a date no later than two hundred and forty (240) days from the date of the parties' discovery planning conference;

The parties shall provide expert reports for any issue on which they bear the burden of proof by a date no later than two hundred and seventy (270) days after the Conference Date. The parties shall provide rebuttal expert reports by a date no later than three hundred (300) days after the Conference Date. All reports shall provide the information required by Fed.R.Civ.P. 26(a)(2)(B). All expert discovery shall be completed, and discovery closed, by a date no later than three hundred and twenty (320) days after the Conference Date; and

All dispositive motions shall be filed and served by a date no later than fifteen (15) days after the close of all discovery and shall be subject to Rule 7.1.2 of the Local Rules of Civil Practice and Procedure of the United States District Court for the District of Delaware.