

**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, 35
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, 39

**CERTIFICATION OF COUNSEL REGARDING SECOND
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 SEMI (D.I. 18 in Adv. Pro. # 20-50445) and in the consolidated mechanics lien actions brought by STEC (D.I. 19 in Adv. Pro. # 20-50446) (together, the “Original Scheduling Orders”).

3. On November 16, 2020, this Court entered an “Order Approving Stipulation to Extend Certain Scheduling Order Deadlines,” approving a Stipulation among the Parties to extend the pretrial periods for discovery, expert disclosures, and filing of dispositive motions by 60 days (D.I. 35 in Adv. Pro. # 20-50445 and D.I. 39 in Adv. Pro. # 20-50446), in the respective proceedings) (the “First Amended Scheduling Orders”).

4. By “Stipulation Regarding Appointment of Mediator”, dated November 2, 2020 (D.I. 31 in Adv. Pro. # 20-50445; and D.I. 35 in Adv. Pro. # 20-50446), the Parties agreed that Raymond F. Lemisch, Esq., of Klehr Harrison Harvey Branzburg LLP, be appointed a Mediator. The Parties proceeded with their mediation on December 11, 2020, with a follow-up Mediation taking place on December 18, 2020. The Parties have engaged in and continue to engage in mediation-related correspondence with each other and the mediator.

5. Although the Parties have, to date, been unable to resolve these actions, they continue to diligently pursue discovery and have not yet discontinued mediation, which is ongoing. Despite continued progress, Plaintiffs and CGT anticipate that will may require supplemental discovery and/or depositions, including by way of subpoenas upon third party witnesses.

6. The Plaintiff and Defendants have exchanged certain documents and information, but will need more discovery, including depositions. The Parties have engaged in mediation,

which is continuing and by 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 second stipulation (the “Second Stipulation”), attached hereto as Exhibit A.

7. All counsel in the Actions have approved the Second 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: January 15, 2021

MORRIS JAMES LLP

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Equipment Company, Inc*

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, 35</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, 39</p>

**SECOND 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

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.

mechanics lien actions (D.I. 18 in Adv. Pro. # 20-50445; and D.I. 19 in Adv. Pro. # 20-50446) (the “Original Scheduling Orders”), and the first extensions thereto approved on November 16, 2020 (D.I. 35 in Adv. Pro. # 20-50445; and D.I. 39 in Adv. Pro. # 20-50446) (the “First Amended Scheduling Orders”), to extend the pretrial periods for discovery, expert disclosures, and filing of dispositive motions for good cause shown. In support of this request, the Parties hereby stipulate as follows (this “Second Stipulation”):

1. The Parties, upon stipulation presented to the Court through respective counsel (D.I. 34 in Adv. Pro. # 20-50445; and D.I. 38 in Adv. Pro. # 20-50446) (the “First Stipulation”), requested that the deadline for fact discovery and other deadlines in the Original Scheduling Orders be extended by sixty (60) days. Under the First Stipulation, the deadline for fact discovery was to be extended from November 23, 2020 to January 22, 2021.

2. This Court, in the First Amended Scheduling Orders, approved the First Stipulation in its entirety.

3. By “Stipulation Regarding Appointment of Mediator,” dated November 2, 2020 (D.I. 31 in Adv. Pro. # 20-50445; and D.I. 35 in Adv. Pro. # 20-50446), the Parties agreed that Raymond F. Lemisch, Esq., of Klehr Harrison Harvey Branzburg LLP, be appointed a Mediator. The Parties proceeded with their mediation on December 11, 2020, with a follow-up Mediation taking place on December 18, 2020. The Parties have engaged in and continue to engage in mediation-related correspondence with each other and the mediator.

4. Although the Parties have, to date, been unable to resolve these actions, the Parties continue to diligently pursue discovery, and they have not discontinued the mediation, which is ongoing. Despite continued progress, Plaintiffs and CGT anticipate that they will require

supplemental discovery and/or depositions, including by way of subpoenas upon third party witnesses.

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

6. Under the First Amended Scheduling Orders, as previously extended, 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").

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 three hundred (300) 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 three hundred and thirty (330) days after the Conference Date. The parties shall provide rebuttal expert reports by a date no later than three hundred and sixty (360) 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 eighty (380) 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, while the Parties have also been engaging in mediation.

10. Therefore, Parties believe that an extension of the above deadlines is necessary to (i) fully comply with any forthcoming discovery requests; and (ii) to allow for continuing mediation.

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: January 15, 2021

/s/ Douglas N. Candeb

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Exhibit B

**IN THE UNITED STATES BANKRUPTCY COURT
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<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>
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**ORDER APPROVING SECOND STIPULATION TO EXTEND CERTAIN
SCHEDULING ORDER DEADLINES**

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

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

proceedings; 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 Second Stipulation is hereby approved in its entirety;

IT IS FURTHER ORDERED that:

All fact discovery shall be completed by a date no later than three hundred (300) 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 three hundred and thirty (330) days after the Conference Date. The parties shall provide rebuttal expert reports by a date no later than three hundred sixty (360) 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 eighty (380) 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.