

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

In re:)	Chapter 11
)	
Welded Construction, L.P., <i>et al.</i> ,)	Case No. 18-12378 (CSS)
)	
Debtors.)	(Jointly Administered)
)	
Welded Construction, L.P.,)	
)	
Plaintiff,)	
)	Adv. No. 20-50940 (CSS)
Vs.)	
)	Re: DI No. 18.
M.L. Chartier, Inc.,)	
)	
Defendant.)	
)	

**CERTIFICATION OF COUNSEL REGARDING
AGREED ORDER REOPENING ADVERSARY CASE, SETTING ASIDE DEFAULT
AND VACATING DEFAULT JUDGMENT**

The undersigned counsel to Welded Construction, L.P. (the “Plaintiff”) M.L. Chartier, Inc. (“Chartier”), hereby certifies to the following:

1. On October 22, 2018 (the “Petition Date”), the Debtors each commenced a case by filing a voluntary petition for relief in this Court under chapter 11 of the Bankruptcy Code.
2. On October 20, 2020, the Plaintiff commenced the above captioned Adversary Proceeding (the “Adversary Proceeding”) by filing a complaint (the “Complaint”) against M.L. Chartier, Inc. (“Chartier”, and together with the Plaintiff, the “Parties”). (ECF No. 1).
3. On March 30, 2021, the Plaintiff filed a Request for Entry of Default Judgment. (ECF No. 12.).

4. On March 31, 2021, the Clerk of the Court entered a Default (the “Default”), and the Court entered Default Judgment in favor of the Plaintiff (the “Default Judgment”). (ECF Nos. 14 and 15 *respectively*).

5. On April 15, 2021, the Adversary Proceeding was closed.

6. On April 28, 2021, Chartier filed a Motion to Re-Open Adversary Proceeding, Set Aside Default and Vacate Default Judgment. (ECF No. 18).

7. The Parties have subsequently agreed, *inter alia*, that the Adversary Proceeding should be reopened, that the Default shall be set aside, that the Default Judgment shall be vacated, and the deadline for Chartier to answer the Complaint is May 7, 2021, as set forth in the proposed Agreed Order attached hereto as **Exhibit A**.

8. Therefore, I respectfully request that the Court enter the proposed agreed form of order attached hereto as **Exhibit A** at its earliest convenience.

Respectfully submitted,

Dated: May 3, 2021

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AGREED TO BY:

LEECH TISHMAN FUSCALDO &
LAMPL, LLC

By: /s/ Gregory W. Hauswirth
Gregory W. Hauswirth (Bar No. 5679)

Attorneys for M. L. Chartier, Inc.

EXHIBIT A

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<hr/> Welded Construction, L.P.,)	
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Plaintiff,)	
)	Adv. No. 20-50940 (CSS)
vs.)	
)	
M.L. Chartier, Inc.,)	
)	
<hr/> Defendant.)	

**AGREED ORDER REOPENING ADVERSARY CASE,
SETTING ASIDE DEFAULT AND VACATING DEFAULT JUDGMENT**

Upon the *Motion of M.L. Chartier, Inc.. to Re-Open Adversary Proceeding, Set Aside Default and Vacate Default Judgment* (ECF No 18) (the “Motion”) for entry of an order (this “Order”) reopening the above-captioned adversary proceeding (“Adversary Proceeding”), to set aside the Clerk’s Default (ECF No. 14) (the “Default”) and vacating the Default Judgment (ECF No. 15) (the “Default Judgment”) entered against M.L. Chartier, Inc. (“Chartier”) all as more fully set forth in the Motion; and it appearing that this Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided; and upon all proceedings had before the Court; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein, it is

ORDERED that the Motion is GRANTED; and it is further

ORDERED that the Clerk of the Court shall cause the Adversary Proceeding to be reopened immediately; and it is further

ORDERED that the Default issued by the Clerk of the Court on March 31, 2021 is set aside and the Default Judgment entered on March 31, 2021 is vacated; and it is further

ORDERED that the deadline for Defendant to answer the Complaint is May 7, 2021; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from the interpretation and/or implementation of this Order.

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Plaintiff,)	
)	Adv. No. 20-50940 (CSS)
vs.)	
)	
M.L. Chartier, Inc.,)	
)	
<hr/> Defendant.)	

NOTICE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing has been served upon counsel of record this 3rd day of May, 2021, electronically by the Court's CM/ECF system and by First Class Mail, postage prepaid, as follows:

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By: /s/ Josef W. Mintz_____