

**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 TRACTOR & EQUIPMENT COMPANY, a Texas corporation,  Plaintiff,  v.  COLUMBIA GAS TRANSMISSION, LLC, a Delaware limited liability company, and TRANSCANADA USA SERVICES INC, a Delaware corporation,  Defendants,  and  WELDED CONSTRUCTION LP, a Delaware limited partnership,  Nominal Defendant.	Adv. Pro. No. 20-50446 (CSS) <sup>1</sup>  Consolidated with:  Adv. Pro. No. 20-50448 (CSS) <sup>2</sup>

**NOTICE, PURSUANT TO RULE 41(a)(1)(A)(i), OF  
VOLUNTARY DISMISSAL WITHOUT PREJUDICE  
OF ACTION AS AGAINST WELDED CONSTRUCTION LP**

**PLEASE TAKE NOTICE THAT:**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), made applicable herein by Federal Rule of Bankruptcy Procedure 7041, plaintiff Sunbelt Tractor & Equipment Company, by its undersigned counsel, hereby dismisses, without prejudice, its action as against nominal

<sup>1</sup> Removed from Circuit Court of Wetzel County, W. Va., Civil Action No. 19-C-52 to U.S.D.C., N.D.W. Va., Civil Action No. 5:19-CV-321, then transferred to D. Del.

<sup>2</sup> Removed from Circuit Court of Marshall County, W. Va., Civil Action No. 19-C-161 to U.S.D.C., N.D.W. Va., Civil Action No. 5:19-CV-323, then transferred to D. Del.

defendant Welded Construction, LP (“Welded”),<sup>3</sup> with each party bearing its own costs and attorneys’ fees. This dismissal is permitted under Rule 41(a)(1)(A)(i) as Welded did not file an answer or a motion for summary judgment.

Dated: July 19, 2021

/s/ Douglas N. Candeub

Stephen M. Miller, Esq. (DE No. 2610)  
Douglas N. Candeub, Esq. (DE No. 4211)  
MORRIS JAMES LLP  
500 Delaware Ave. Ste. 1500  
Wilmington, Delaware 19801-1494  
Telephone: (302) 888-6854  
Facsimile: (302) 504-3944  
Email: [SMiller@morrisjames.com](mailto:SMiller@morrisjames.com)  
Email: [DCandeub@morrisjames.com](mailto:DCandeub@morrisjames.com)

- and -

Charles R. Hughes, Esq. (WV No. 9167)  
BOWLES RICE LLP  
600 Quarrier Street  
Post Office Box 1386  
Charleston, West Virginia 25325-1386  
Telephone: (304) 347-1100  
Facsimile: (304) 347-1756  
Email: [chughes@bowlesrice.com](mailto:chughes@bowlesrice.com)  
(Admitted *Pro Hac Vice*)

*Counsel for Plaintiff Sunbelt Tractor &  
Equipment Company*

---

<sup>3</sup> As Welded was only a nominal defendant, no claims were asserted against Welded in the action.