

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

In re: WELDED CONSTRUCTION, L.P., et al., ¹ Debtors.	Chapter 11 Case No. 18-12378 (CSS) (Jointly Administered)
EARTH PIPELINE SERVICES, INC., Plaintiff, v. COLUMBIA GAS TRANSMISSION, LLC, WELDED CONSTRUCTION, L.P., Defendants.	Adv. Pro. No. 19-50274 (CSS) Adv. Pro. No. 19-50275 (CSS) (Consolidated)
WELDED CONSTRUCTION, L.P., Plaintiff, v. EARTH PIPELINE SERVICES, INC., Defendant..	Adv. Proc. No. 20-50612 (CSS) (Consolidated)

THIRD AMENDED SCHEDULING ORDER

Welded Construction, L.P. (“Welded”), Earth Pipeline Services, Inc. (“Earth”) and Columbia Gas Transmission, LLC (“CGT” and together with Welded and Earth, the “Parties”), have jointly agreed to an extension of the deadlines set forth in the Court’s Second Amended Scheduling Order, and, accordingly and for good cause, are proposing this, the Third Amended Scheduling Order. The Parties hereby jointly submit this Third Amended Scheduling Order and request that the Court approve the following Third Amended Scheduling Order governing discovery, mediation, and related matters in this Adversary Proceeding:

¹ The Debtors in these chapter 11 cases, along with the 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.



1. All fact discovery shall be completed by a date no later than December 3, 2021.² Each Party shall be entitled to take the oral deposition of up two fact witness (including a corporate representative deposition) within each other Party's control. However, if either CGT or Welded settle with Earth and/or are dismissed from these consolidated proceedings, the party who remains of the two of them will be entitled to take up to four fact witness depositions (including a corporate representative deposition, and inclusive of depositions already conducted) of witnesses within Earth's control.

2. The Parties shall provide expert reports for any issue on which they bear the burden of proof by a date no later than January 7, 2022. The parties shall provide rebuttal expert reports by a date no later than February 7, 2022. 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 March 8, 2022.

3. Raymond Lemisch, the Replacement Mediator, shall have through September 30, 2021 to either (a) file the mediator's certificate of completion, or (b) if the mediation is not concluded, file a status report that provides the projected schedule for completion of the mediation.

4. 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.

5. The Adversary Proceeding is set for trial at a date to be determined. The Court may, in its discretion, schedule a pre-trial conference in addition to the trial.

6. The parties shall comply with the General Order Governing Pre-Trial Procedures in Adversary Proceedings Set for Trial Before Judge Christopher S. Sontchi. The parties shall file,

² All time periods set forth in this Third Amended Scheduling Order shall be calculated in accordance with Bankruptcy Rule 9006(a).

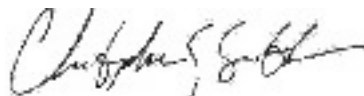
no later than three (3) business days prior to the earlier of the date set for (i) pre-trial conference (if one is scheduled) or (ii) trial, a joint pre-trial memorandum approved by all counsel and shall contemporaneously deliver two (2) copies thereof to Judge Sontchi's chambers.

7. The Plaintiff shall immediately notify Chambers upon the settlement, dismissal or other resolution of the Adversary Proceeding subject to this Third Amended Scheduling Order and shall file with the Court appropriate evidence of such resolution as soon thereafter as is feasible. The Parties shall file a status report forty-five (45) days after the date of this Third Amended Scheduling Order forty-five (45) days thereafter, and thirty (30), twenty (20), and ten (10) days prior to trial, setting out the status of the Adversary Proceeding. The Parties shall immediately advise Chambers, in writing, of any occurrence or circumstance, which the Parties believe may suggest or necessitate the adjournment or other modification of the trial setting.

8. Deadlines contained in this Third Amended Scheduling Order may be extended only by the Court and only upon written motion for good cause shown.

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Dated: September 7th, 2021
Wilmington, Delaware



CHRISTOPHER S. SONTCHI
UNITED STATES BANKRUPTCY JUDGE