

The Parties have agreed to the terms and conditions of that certain *Stipulation for Withdrawal With Prejudice of the Proofs of Claim of Glen P. Brock, Alasdair I. Cathcart, John E. Futcher, Ronald P. Gratton, Catherine M. Hunt Ryan, Emad Eldin Mohamed Khedr, Jeffrey J. McCaig, John E. Nicholson, Joseph M. St. Julian, and Richard C. Wall* (the “**Stipulation**”) annexed as Exhibit 1 to the proposed form of order attached hereto as **Exhibit A** (the “**Proposed Order**”).

The Post-Effective Date Debtors submit that entry of the Proposed Order and approval of the Stipulation is in the best interests of the Post-Effective Date Debtors and their estates and creditors and is therefore appropriate. Counsel for the Claimants have consented to the Court’s entry of the Proposed Order.

Accordingly, the Post-Effective Date Debtors respectfully request the Court enter the Proposed Order at its earliest convenience without further notice or a hearing.

Dated: September 23, 2021
Wilmington, Delaware

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Counsel to the Post-Effective Date Debtors

Exhibit A

Proposed Order

**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)	
)		
)	Re: Docket No. ____	

**ORDER APPROVING THE STIPULATION FOR
WITHDRAWAL WITH PREJUDICE OF PROOFS
OF CLAIM OF GLEN P. BROCK, ALASDAIR I. CATHCART, JOHN E.
FUTCHER, RONALD P. GRATTON, CATHERINE M. HUNT RYAN,
EMAD ELDIN MOHAMED KHEDR, JEFFREY J. MCCAIG, JOHN E.
NICHOLSON, JOSEPH M. ST. JULIAN, AND RICHARD C. WALL**

Upon consideration of the *Stipulation for Withdrawal With Prejudice of the Proofs of Claim of Glen P. Brock, Alasdair I. Cathcart, John E. Futcher, Ronald P. Gratton, Catherine M. Hunt Ryan, Emad Eldin Mohamed Khedr, Jeffrey J. McCaig, John E. Nicholson, Joseph M. St. Julian, and Richard C. Wall* (the “**Stipulation**”), a copy of which is attached hereto as **Exhibit 1**; and the Court having determined that (a) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the Amended Standing Order of Reference from the United States District Court for the District of Delaware, dated February 29, 2012; (b) venue is proper in this district pursuant to 28 U.S.C. § 1409; (c) this is a core proceeding pursuant to 28 U.S.C. § 157(b); and (d) notice of the Stipulation was sufficient under the circumstances; and after due deliberation, the Court, having determined that good and adequate cause exists for approval of the Stipulation:

IT IS HEREBY ORDERED THAT:

1. The Stipulation is APPROVED.

2. This Court retains jurisdiction over any and all issues arising from or related to the implementation of this Order.

Exhibit 1

Stipulation

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

)	
In re:)	Chapter 11
)	
WELDED CONSTRUCTION, L.P., <i>et al.</i> , ¹)	Case No. 18-12378 (CSS)
)	
Debtors.)	(Jointly Administered)
)	

**STIPULATION FOR WITHDRAWAL WITH PREJUDICE OF PROOFS
OF CLAIM OF GLEN P. BROCK, ALASDAIR I. CATHCART, JOHN E.
FUTCHER, RONALD P. GRATTON, CATHERINE M. HUNT RYAN,
EMAD ELDIN MOHAMED KHEDR, JEFFREY J. MCCAIG, JOHN E.
NICHOLSON, JOSEPH M. ST. JULIAN, AND RICHARD C. WALL**

The Post-Effective Date Debtors, by and through the Plan Administrator² on the one hand, and Glen P. Brock, Alasdair I. Cathcart, John E. Futcher, Ronald P. Gratton, Catherine M. Hunt Ryan, Emad Eldin Mohamed Khedr, Jeffrey J. McCaig, John E. Nicholson, Joseph M. St. Julian, and Richard C. Wall (collectively, the “**Claimants**,” and together with the Post-Effective Date Debtors, each a “**Party**” and collectively, the “**Parties**”), on the other hand, hereby enter into this stipulation (the “**Stipulation**”) with respect to the withdrawal of the Claimants’ Proofs of Claim (as defined herein) filed in the above-captioned Chapter 11 Cases and for the related relief set forth more fully below.

RECITALS

A. On October 22, 2018 (the “**Petition Date**”), the Debtors filed voluntary petitions in the United States Bankruptcy Court for the District of Delaware (the “**Court**”) for relief under

¹ The Debtors in these Chapter 11 Cases, along with the last 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.

² Capitalized terms used herein and not defined shall have the meaning given to such terms in the Plan (as defined herein).

chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.*, thereby commencing the Chapter 11 Cases.

B. Prior to and/or after the Petition Date, the Claimants were managers and/or officers of Welded Construction, L.P.

C. The Claimants, through their undersigned counsel, filed certain proofs of claim, against Welded Construction, L.P. asserting contingent, unliquidated claims for indemnification (collectively, the “**Claimants’ Proofs of Claim**”) as follows:

	Claimant	Debtor	Case No.	Date Filed	Claim No.	Claim Type
1.	Glen P. Brock	Welded Construction, L.P.	18-12378	2/28/2019	604	General Unsecured
2.	Alasdair I. Cathcart	Welded Construction, L.P.	18-12378	2/28/2019	630	General Unsecured
3.	John E. Futcher	Welded Construction, L.P.	18-12378	2/28/2019	605	General Unsecured
4.	Ronald P. Gratton	Welded Construction, L.P.	18-12378	2/28/2019	622	General Unsecured
5.	Catherin M. Hunt Ryan	Welded Construction, L.P.	18-12378	2/28/2019	599	General Unsecured
6.	Emad Eldin Mohamed Khedr	Welded Construction, L.P.	18-12378	2/28/2019	602	General Unsecured
7.	Jeffrey J. McCaig	Welded Construction, L.P.	18-12378	2/28/2019	621	General Unsecured
8.	John E. Nicholson	Welded Construction, L.P.	18-12378	2/28/2019	606	General Unsecured
9.	Joseph M. St. Julian	Welded Construction, L.P.	18-12378	2/28/2019	608	General Unsecured
10.	Richard C. Wall	Welded Construction, L.P.	18-12378	2/28/2019	607	General Unsecured

D. On May 8, 2020, the Debtors filed the *Amended Chapter 11 Plan of Welded Construction, L.P. and Welded Construction Michigan LLC* (the “**Plan**”) [Docket No. 1363] and

the *Amended Disclosure Statement for the Amended Chapter 11 Plan of Welded Construction, L.P. and Welded Construction Michigan, LLC* [Docket No. 1364].

E. On June 25, 2020, the Court confirmed the Plan [Docket No. 1505].

F. The Plan incorporated that certain Plan Settlement, which among other things, provided for certain releases of the Claimants, as set forth more fully in the Plan and the Plan Settlement Agreement.

G. The Effective Date of the Plan occurred on July 31, 2020 [Docket No. 1555].

H. In light of the foregoing, the Parties desire to stipulate to the withdrawal of the Claimants' Proofs of Claim with prejudice.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

1. The recitals set forth above are incorporated herein by this reference as though set forth herein.

2. This Stipulation shall be effective upon the date the order approving this Stipulation becomes a Final Order (the "**Stipulation Effective Date**").

3. Upon the Stipulation Effective Date, the Claimants' Proofs of Claim shall each be deemed withdrawn with prejudice.

4. Upon the Stipulation Effective Date, the claims and noticing agent in these Chapter 11 Cases is hereby authorized to reflect the withdrawal of the Claimants' Proofs of Claim on the claims register maintained in the Chapter 11 Cases.

5. This Stipulation may be executed in counterparts, each of which shall be deemed an original and evidence of this Stipulation may be exchanged by fax or by electronic transmission of a scanned copy of the signature pages or by exchange of originally signed documents.

6. Each person who executes this Stipulation represents and warrants that he or she is duly authorized and has requisite authority to execute and deliver this Stipulation on behalf of such Party and to bind his or her respective Party to the terms and conditions of this Stipulation.

7. This Stipulation constitutes the entire agreement between the Parties with respect to the matters addressed herein and may not be modified except in a writing signed by the Parties.

[Signature Page Follows]

IN WITNESS WHEREOF, the Parties have caused this Stipulation to be executed as of the day and year written below.

DATED: September 23, 2021
Wilmington, Delaware

BLANK ROME LLP

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