

**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 (LSS)
Debtors. <sup>1</sup>	(Jointly Administered)
Welded Construction, L.P.,	
Plaintiff,	
vs.	Adv. No. 20-50954
US Crossings Unlimited, LLC,	
Defendant.	

**PLAINTIFF'S REQUEST FOR ENTRY OF DEFAULT**

TO THE CLERK OF THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE:

Please enter default against the defendant named in the above captioned action (the “Defendant”), pursuant to Fed. R. Civ. P. 55(a) and Fed. R. Bankr. P. 7055, for its failure to plead, otherwise defend or enter an appearance in the above captioned adversary proceeding as set forth in the Declaration of Jennifer A. Hepola In Support of Plaintiff's Request for Default and filed concurrently herewith.

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<sup>1</sup> 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).



Dated: April 12, 2022

**BLANK ROME LLP**

By: /s/ Josef W. Mintz  
Josef W. Mintz, Esq., DE 5644  
1201 Market Street, Suite 800  
Wilmington, Delaware 19801  
Telephone: (302) 652-3131  
mintz@blankrome.com

*-and-*

**ASK LLP**

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*Counsel for Post-Effective Date Debtors*

# **EXHIBIT A**

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

<p>In re:</p> <p>Welded Construction, L.P., <i>et al.</i>,</p> <p style="text-align: right;">Debtors.<sup>1</sup></p> <hr style="border: 0.5px solid black;"/> <p>Welded Construction, L.P.,</p> <p style="text-align: right;">Plaintiff,</p> <p>vs.</p> <p>US Crossings Unlimited, LLC,</p> <hr style="border: 0.5px solid black;"/> <p style="text-align: right;">Defendant.</p>	<p>Chapter 11</p> <p>Case No. 18-12378 (LSS)</p> <p>(Jointly Administered)</p>    <p>Adv. No. 20-50954</p>
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**DECLARATION REQUESTING CLERK’S ENTRY OF DEFAULT**

I, Jennifer A. Hepola, hereby declare that the following is true and correct to the best of my knowledge, information, and belief:

1. I am a paralegal employed by ASK LLP, the attorneys of record for Plaintiff. I am over the age of 21 years and am competent to testify of my own personal knowledge about the matters contained herein. My job duties include responsibility for the service of process for the summons and complaint in all adversary proceedings filed by ASK LLP.

2. I respectfully submit this Declaration Requesting Clerk's Entry of Default against the above-named Defendant, US Crossings Unlimited, LLC, (the “Defendant”), for failure to answer or otherwise defend herein.

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<sup>1</sup> 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).

3. ASK LLP was retained by the Plaintiff to avoid and recover preferential payments made to certain creditors in the above-captioned bankruptcy case under 11 U.S.C. §§ 547-550.

4. On or about October 20, 2020, the Plaintiff initiated the above-captioned adversary proceeding, Adversary Number 20-50954 (the “Adversary Proceeding”), by filing a complaint to avoid and recover transfers (the “Complaint”) against Defendant in the amount of \$2,451,500.00.

5. This Adversary Proceeding was brought to seek a judgment against Defendant in the amount of \$2,451,500.00, plus filing fees costs in the amount of \$350.00.

6. On March 31, 2021, ASK LLP caused the Defendant to be served via U.S. Certified Mail with the Second Alias Summons and Complaint in this action in accordance with Fed. Rule Bankr. P. 7004(b). Attached hereto as Exhibit 1 is the Proof of Service filed with the Court and is incorporated herein by this reference.

7. On May 27, 2021, Defendant filed an Answer to the Complaint.

8. On February 18, 2022, Defendant’s Counsel filed a Motion to Withdraw as Attorney.

9. On March 8, 2022, an Order Granting Motion of Cooch and Taylor, P.A. and John D. Eddy, Esquire to Withdraw as Counsel for Defendant US Crossing Unlimited, LLC and Requiring Defendant to Retain Substitute Counsel (“Order”) was entered by the Court.

10. The Order stated the Defendant shall promptly retain substitute counsel who must serve and file notice of appearance as counsel for Defendant in this proceeding within thirty (30) days of the date of the Order.

11. The Defendant failed to obtain new counsel, answer or otherwise respond to Plaintiff’s complaint within the time provided by the Second Alias Summons, Federal Rules of

Civil Procedure, Federal Rules of Bankruptcy Procedure, the Local Rules of this Court, and any applicable orders entered in the Adversary Proceeding.

12. I have reviewed the docket of this adversary proceeding using PACER and no answer or other appearance has been filed on behalf of the Defendant as of the date of this Declaration.

13. To the best of my knowledge and belief, Defendant is a business entity and therefore is not an infant, incompetent person, or subject to the protection provided by the Soldiers and Sailors Civil Relief Act 1940 (50 U.S.C. App. § 520).

14. Pursuant to Del. Bankr. L.R. 7055-1, a copy of the Plaintiff's Request for Default and Plaintiff's Request for Entry of Default Judgment is being served on Defendant contemporaneously with the filing of the same with the Court.

15. This Declaration is made to comply with Federal Rule of Civil Procedure 55(a), as incorporated by Bankruptcy Rule 7055.

I declare<sup>2</sup> under penalty of perjury under the laws of the United States of America pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct. Executed on April 11, 2022.

  
\_\_\_\_\_  
Jennifer A. Hepola

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<sup>2</sup> Pursuant to 28 U.S.C. § 1746, "Wherever, under any law of the United States or under any rule...any matter is required or permitted to be supported, evidenced, established, or proved by...affidavit... such matter may, with like force and effect, be supported, evidenced, established, or proved by the unsworn declaration..."

# **EXHIBIT 1**

IN RE: WELDED CONSTRUCTION, L.P., ET AL.  
CASE No. 18-12378 (CSS) ADV.No.: 20-50954  
US CROSSINGS UNLIMITED, LLC

**PROOF OF SERVICE**

**STATE OF MINNESOTA, COUNTY OF DAKOTA**

I am a resident of the County aforesaid. I am over the age of 18 years and not a party to the within entitled action. My business employment address is

2600 Eagan Wood Drive, Suite 400, St. Paul, Minnesota 55121

On the date indicated immediately above my signature below, I served the foregoing documents described as:

- 1) COMPLAINT;
- 2) SECOND ALIAS SUMMONS; and
- 3) NOTICE OF DISPUTE RESOLUTION ALTERNATIVES.

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States mail at St. Paul, Minnesota, addressed as follows:

Defendant [via Certified Mail 7019 2280 0001 0971 3325]

Christy LaRoche, Officer  
US Crossings Unlimited, LLC  
70218 Central Avenue  
Barton, Ohio 43905

☐ By Regular Mail - I caused such envelope with first class postage thereon, fully prepaid to be placed in the United States mail.

☒ Certified Mail (return receipt requested) with first class postage thereon, to be mailed in the United States mail.

I declare that I am an employee in the offices of a member of the State Bar of this Court at whose direction the service was made.

I declare under penalty of perjury under the laws of the State of Minnesota that the foregoing is true and correct.

Executed at St. Paul, Minnesota on March 31, 2021.

*/s/ Jennifer Hepola*

Jennifer Hepola, Declarant

No: 2194360 Stat: - Ansv: /\*



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

In re:  Welded Construction, L.P., <i>et al.</i> ,  Debtors. <sup>1</sup>		Chapter 11  Case No. 18-12378 (LSS)  (Jointly Administered)
Welded Construction, L.P.,  Plaintiff,  vs.  US Crossings Unlimited, LLC,  Defendant.		Adv. No. 20-50954

**ENTRY OF DEFAULT**

It appears from the record that the following defendant failed to plead or otherwise defend in this case as required by law.

Name:  
US Crossings Unlimited, LLC

Therefore, default is entered against the defendant as authorized by Federal Rule of Bankruptcy Procedure 7055.

\_\_\_\_\_  
*Clerk of the Bankruptcy Court*

By:

\_\_\_\_\_  
*Deputy Clerk*

\_\_\_\_\_  
*Date*

<sup>1</sup> 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).