

**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. ¹	:	(Jointly Administered)
	:	
	:	Re: D.I. 1870

**CERTIFICATION OF COUNSEL REGARDING
POST-EFFECTIVE DATE DEBTORS' SEVENTEENTH (17TH) OMNIBUS
(SUBSTANTIVE) OBJECTION TO CLAIMS PURSUANT TO SECTION 503 OF THE
BANKRUPTCY CODE, BANKRUPTCY RULE 3007 AND LOCAL RULE 3007-1**

The undersigned hereby certifies as follows:

On July 1, 2022, the above-captioned debtors and debtors in possession (together, the “Debtors” and, following the Effective Date, the “Post-Effective Date Debtors”), through Cullen D. Speckhart, solely in her capacity as Plan Administrator, filed the *Post-Effective Date Debtors’ Seventeenth (17th) Omnibus (Substantive) Objection to Claims Pursuant to Section 503 of the Bankruptcy Code, Bankruptcy Rule 3007 and Local Rule 3007-1* [D.I. 1870] (the “Claims Objection”).² Pursuant to the notice of hearing attached to the Claims Objection, the deadline to file objections or responses to the approval of the Claims Objection was July 15, 2022 at 4:00 p.m. (ET) (the “Response Deadline”).

Prior to the Response Deadline, counsel to the Post-Effective Date Debtors received an informal response from counsel to The Travelers Indemnity Company and its Property Casualty Insurance Affiliates (collectively, “Travelers”) concerning Travelers’ Disputed Claims subject to

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 c/o P.O. Box 470, Perrysburg, OH 43552-0470.

² Capitalized terms not otherwise defined herein shall have the meanings ascribed in the Claims Objection.



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the Claims Objection. Other than Travelers' informal response, no other formal or informal response to the Claims Objection was received.

The Post-Effective Date Debtors engaged in discussions with Travelers and the parties resolved Traveler's informal response by agreeing that Travelers' Claim No. 843 ("Claim 843") shall be modified as follows: the Administrative Claim portion of Claim 843 shall be Allowed in the reduced amount of \$60,041.30, which amount shall be paid within thirty (30) days of the date on which the order sustaining the Claims Objection becomes a Final Order, provided that Travelers first provides the Post-Effective Date Debtors with the appropriate IRS Form W-9 in accordance with the Plan; and the remainder of Claim 843 shall be Allowed in the modified amount of \$542,585.70, which shall be classified as a General Unsecured Claim in Class 4 under the Plan and paid pursuant to the Plan.

A revised proposed form of order (the "Revised Proposed Order") is attached hereto as **Exhibit A** reflecting the foregoing resolution. Attached hereto as **Exhibit B** is a blackline of the Revised Proposed Order marked against the form of order filed with the Claims Objection. Travelers does not object to the entry of the Revised Proposed Order.

WHEREFORE, the Post-Effective Date Debtors respectfully request entry of the Revised Proposed Order attached hereto as **Exhibit A** at the earliest convenience of the Court.

Dated: August 15, 2022
Wilmington, Delaware

BLANK ROME LLP

/s/Josef W. Mintz

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Counsel to the Post-Effective Date Debtors

EXHIBIT A
Revised 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 (LSS)
Debtors. ¹	:	(Jointly Administered)
	:	Re: D.I. 1870; ____

**ORDER SUSTAINING POST-EFFECTIVE DATE DEBTORS' SEVENTEENTH
(17TH) OMNIBUS (SUBSTANTIVE) OBJECTION TO CLAIMS PURSUANT TO
SECTION 503 OF THE BANKRUPTCY CODE, BANKRUPTCY RULE 3007 AND
LOCAL RULE 3007-1**

Upon consideration of the *Post-Effective Date Debtors' Seventeenth (17th) Omnibus (Substantive) Objection to Claims Pursuant to Section 503 of the Bankruptcy Code, Bankruptcy Rule 3007 and Local Rule 3007-1* (the "Objection")²; and it appearing that this Court has jurisdiction to consider the Objection pursuant to 28 U.S.C. §§ 157 and 1334 and the Amended Standing Order; and it appearing that venue of these chapter 11 cases and the Objection in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that this matter is a core proceeding pursuant to 28 U.S.C. § 157(b); and this Court having determined that the relief requested in the Objection is in the best interests of the Post-Effective Date Debtors, their estates, their creditors and other parties in interest; and it appearing that notice of the Objection was good and sufficient upon the particular circumstances and that no other or further notice need be given; and upon the record herein; and after due deliberation thereon and good and sufficient cause appearing therefor; it is hereby **ORDERED, ADJUDGED, AND DECREED THAT:**

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 but not defined herein shall have the meanings ascribed to such terms in the Objection.

1. The Objection is SUSTAINED, as set forth herein.
2. The No Liability Claim identified on Exhibit A to the Order is hereby disallowed and expunged.
3. The Modified Amount Claim identified on Exhibit B to the Order is hereby modified to the amount indicated in the column titled “*MODIFIED CLAIM AMOUNT*” on Exhibit B to the Order.
4. Claim No. 843 (“Claim 843”) of The Travelers Indemnity Company and its Property Casualty Insurance Affiliates (collectively, “Travelers”) identified on Exhibit C to the Order is hereby modified to the amount and reclassified to the priority level indicated in the columns titled “*MODIFIED CLAIM CLASS*” and “*MODIFIED CLAIM AMOUNT*” on Exhibit C to the Order. The Administrative Claim portion of Claim 843 identified on Exhibit C is Allowed in the amount of \$60,041.30 and shall be paid by the Post-Effective Date Debtors to Travelers within thirty (30) days after this Order becomes a Final Order, provided that Travelers first provides the Post-Effective Date Debtors with the appropriate IRS Form W-9 in accordance with the Plan.
5. The Post-Effective Date Debtors’ objection to each Disputed Claim addressed in the Objection constitutes a separate contested matter as contemplated by Bankruptcy Rule 9014. This Order shall be deemed a separate Order with respect to each claim. Any stay of this Order pending appeal by any of the claimants subject to this Order shall only apply to the contested matter which involves such claimant and shall not act to stay the applicability and/or finality of this Order with respect to the other contested matters covered hereby.
6. Any and all rights of the Post-Effective Date Debtors and their estates to amend, supplement, or otherwise modify the Objection and to file additional objections to any and all

claims filed in these chapter 11 cases, including, without limitation, any and all of the Disputed Claims shall be reserved. Any and all rights, claims and defenses of the Post-Effective Date Debtors and their estates with respect to any and all of the Disputed Claims shall be reserved, and nothing included in or omitted from the Objection is intended or shall be deemed to impair, prejudice, waive or otherwise affect any rights, claims, or defenses of the Debtors and their estates with respect to the Disputed Claims.

7. KCC is authorized and directed to expunge the No Liability Claim from the official claims register in these chapter 11 cases.

8. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation of this Order.

EXHIBIT A**No Liability Claim**

No.	Name	Date Claim Filed	Claim Number	Asserted Claim Amount	Asserted Claim Class	Reason for Disallowance
1	Off Duty Services, Inc.	2/27/2019	579	\$332,220.24	Administrative Secured Priority General Unsecured	Claim fully satisfied pursuant to settlement agreement entered into between the Post-Effective Date Debtors and Claimant resolving Adv. Pro. No. 20-50941.

EXHIBIT B
Modified Amount Claim

No.	Name	Date Claim Filed	Claim Number	Asserted Claim Amount	Asserted Claim Class	Modified Claim Amount	Modified Claim Class	Reason
1	U.S. Bagging, LLC	12/6/2018	98	\$0.00 \$0.00 \$0.00 \$306,345.00	Administrative Secured Priority General Unsecured	\$0.00 \$0.00 \$0.00 \$218,345.00	Administrative Secured Priority General Unsecured	Claim partially satisfied pursuant to settlement agreement entered into between the Post-Effective Date Debtors and Claimant resolving Adv. Pro. No. 20-50953.

EXHIBIT C**Modified Amount, Reclassified Claim**

No.	Name	Date Claim Filed	Claim Number	Asserted Claim Amount	Asserted Claim Class	Modified Claim Amount	Modified Claim Class	Reason
1	The Travelers Indemnity Company and its Property Casualty Insurance Affiliates	2/28/2019	843	\$109,166.00 \$0.00 \$0.00 \$493,461.00	Administrative Secured Priority General Unsecured	\$60,041.30 \$0.00 \$0.00 \$542,585.70	Administrative Secured Priority General Unsecured	To consensually resolve the Objection, Travelers and Post Effective Date Debtors agreed as follows: the Administrative Claim portion of Claim 843 shall be Allowed in the reduced amount of \$60,041.30, which amount shall be paid within thirty (30) days of the date on which the order sustaining the Claims Objection becomes a Final Order, provided that Travelers first provides the Post-Effective Date Debtors with the appropriate IRS Form W-9 in accordance with the Plan; and the remainder of Claim 843 shall be Allowed in the modified amount of \$542,585.70 and shall be classified as a General Unsecured Claim in Class 4 under the Plan and paid pursuant to the Plan.

EXHIBIT B
Blackline

**IN THE UNITED STATES BANKRUPTCY COURT
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In re:	:	Chapter 11
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1. The Objection is SUSTAINED, as set forth herein.
2. The No Liability Claim identified on **Exhibit A** to the Order is hereby disallowed and expunged.
3. The Modified Amount Claim identified on **Exhibit B** to the Order is hereby modified to the amount indicated in the column titled “*MODIFIED CLAIM AMOUNT*” on **Exhibit B** to the Order.
4. ~~The Modified Amount, Reclassified Claim~~ [Claim No. 843 \(“Claim 843”\) of The Travelers Indemnity Company and its Property Casualty Insurance Affiliates \(collectively, “Travelers”\) identified on **Exhibit C** to the Order is hereby modified to the amount and reclassified to the priority level indicated in the columns titled “*MODIFIED CLAIM CLASS*” and “*MODIFIED CLAIM AMOUNT*” on **Exhibit C** to the Order. The Administrative Claim portion of Claim 843 identified on **Exhibit C** is Allowed in the amount of \\$60,041.30 and shall be paid by the Post-Effective Date Debtors to Travelers within thirty \(30\) days after this Order becomes a Final Order, provided that Travelers first provides the Post-Effective Date Debtors with the appropriate IRS Form W-9 in accordance with the Plan.](#)
5. The Post-Effective Date Debtors’ objection to each Disputed Claim addressed in the Objection constitutes a separate contested matter as contemplated by Bankruptcy Rule 9014. This Order shall be deemed a separate Order with respect to each claim. Any stay of this Order pending appeal by any of the claimants subject to this Order shall only apply to the contested matter which involves such claimant and shall not act to stay the applicability and/or finality of this Order with respect to the other contested matters covered hereby.
6. Any and all rights of the Post-Effective Date Debtors and their estates to amend, supplement, or otherwise modify the Objection and to file additional objections to any and all

claims filed in these chapter 11 cases, including, without limitation, any and all of the Disputed Claims shall be reserved. Any and all rights, claims and defenses of the Post-Effective Date Debtors and their estates with respect to any and all of the Disputed Claims shall be reserved, and nothing included in or omitted from the Objection is intended or shall be deemed to impair, prejudice, waive or otherwise affect any rights, claims, or defenses of the Debtors and their estates with respect to the Disputed Claims.

7. KCC is authorized and directed to expunge the No Liability Claim from the official claims register in these chapter 11 cases.

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EXHIBIT C**Modified Amount, Reclassified Claim**

No.	Name	Date Claim Filed	Claim Number	Asserted Claim Amount	Asserted Claim Class	Modified Claim Amount	Modified Claim Class	Reason
1	The Travelers Indemnity Company and its Property Casualty Insurance Affiliates	2/28/2019	843	\$109,166.00 \$0.00 \$0.00 \$493,461.00	Administrative Secured Priority General Unsecured	\$0.00 <u>60,041.30</u> \$0.00 \$0.00 \$602,627.00 <u>542,585.70</u>	Administrative Secured Priority General Unsecured	Claimant's \$109,166.00 administrative expense claim should be reclassified as a general unsecured claim because the administrative claim is on account of an audit conducted in the postpetition period. However, the policy period the audit covered related in large part to the prepetition period (5/1/18 through 5/1/19). Had Claimant correctly priced its property casualty policy in the first instance, the entire 2018-19 premium balance would have been due and owing in the ordinary course, prepetition. At the time of the audit, Debtor was winding down and thus the administrative claim does not relate to any additional use of property by Debtor during the bankruptcy case. Accordingly, Debtor should not be liable for an administrative expense claim arising from Claimant's own pricing error or missed assumptions, and Claimant's administrative expense claim should therefore be reclassified as a general unsecured claim. <u>To consensually resolve the Objection, Travelers and Post Effective Date Debtors agreed as follows: the Administrative Claim portion of</u>

							<p><u>Claim 843 shall be Allowed in the reduced amount of \$60,041.30, which amount shall be paid within thirty (30) days of the date on which the order sustaining the Claims Objection becomes a Final Order, provided that Travelers first provides the Post-Effective Date Debtors with the appropriate IRS Form W-9 in accordance with the Plan; and the remainder of Claim 843 shall be Allowed in the modified amount of \$542,585.70 and shall be classified as a General Unsecured Claim in Class 4 under the Plan and paid pursuant to the Plan.</u></p>
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Summary report: Litera® Change-Pro for Word 10.13.1.5 Document comparison done on 8/12/2022 5:35:58 PM	
Style name: Default Style	
Intelligent Table Comparison: Active	
Original filename: OG - Welded - Post-Effective Date Debtors 17th Omnibus (Substantive) Claim Objection.docx	
Modified filename: New - Welded - Post-Effective Date Debtors 17th Omnibus (Substantive) Claim Objection.docx	
Changes:	
<u>Add</u>	11
Delete	16
Move From	0
<u>Move To</u>	0
<u>Table Insert</u>	0
Table Delete	0
<u>Table moves to</u>	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	27